

March 13, 2026

Good morning, I am Marta Nelson, director of sentencing reform at the Vera Institute of Justice, a national criminal justice reform organization helping to create safe, thriving communities for over 60 years. **I testify in support of S. 140.**

I applaud your consideration of this broadly applicable second look bill for Vermont. Creating a resentencing opportunity for people who have served a significant period of incarceration upholds accountability for serious harm while recognizing that people can change and may be safely returned to their communities. This balanced approach is popular with the public, with national polls finding close to 80% of voters support allowing judges to review and resentence individuals on a case-by-case basis after at least a ten-year period of incarceration.<sup>1</sup> This is exactly what S. 140 does.<sup>2</sup>

### **National Landscape for Second Look Laws**

As of today, 16 states have passed legislation—beyond juvenile life without parole (LWOP) resentencing—that allows judges to reconsider a range of sentences based on rehabilitation and current public safety considerations.<sup>3</sup> There is growing momentum for these laws: in 2025 two states passed bills allowing incarcerated people to file for resentencing after they had served a period of their sentence. In April 2025, Maryland adopted legislation allowing people who committed crimes as young adults to petition for resentencing after 20 years.<sup>4</sup> Delaware's bill, which followed in June, is the most comprehensive to date. It allows any incarcerated person—regardless of offense or age at the time of offense—to petition on the basis of rehabilitation after a period of time served<sup>5</sup> Notably, S. 140 has a similarly broad reach, with no age or offense-based carveouts.

### **Safety Considerations**

As more people return home under second look laws, juvenile LWOP resentencing, and other discretionary release mechanisms, research shows strong public safety outcomes.<sup>6</sup> In sum, people released through discretionary mechanisms have significantly lower recidivism rates than the broader population of people who leave prison after completing their sentence. Two states highlight the success of resentencing options:

- **California:** People resentenced after a retroactive change to felony murder laws or individualized recommendations from corrections department officials—97 percent of whom had been convicted of violent offenses and who served a median of 12–14 years—had a one-year reconviction rate of just 3 to 4 percent (three-year rates not yet available), compared to 21 percent for the overall population.<sup>7</sup>
- **Maryland:** A 2012 Maryland Supreme Court case found that tainted jury instructions invalidated many violent offense convictions prior to 1981.<sup>8</sup> Given the

age of the cases, most people were resentenced to time served (in other words, released) rather than retried. A total of 188 people were released under this resentencing, 80 percent of whom had been convicted of murder.<sup>9</sup> The average age at release was 64. **Five years from release, only one of the 188 people had been rearrested.**<sup>10</sup>

These strong safety results can be attributed to two key factors: First, criminal activity decreases with age, particularly for violent crime.<sup>11</sup> Second, research shows that participation in high-quality programming reduces recidivism after release, and engagement in such programming factors into successful resentencing outcomes.<sup>12</sup>

### **Survivor Considerations**

Opponents of Second Look policies often argue that reopening long sentences harms survivors' sense of closure. However, crime survivors are not a monolith—many support updated sentencing laws that build public safety through healing and change rather than punishment alone.<sup>13</sup> Second Look policies reflect that by incentivizing rehabilitation and reducing the risk of future harm.

S.140 also provides crime victims the opportunity to be heard in a second look resentencing consideration. Judges will be able to hear from affected individuals or family members and incorporate their perspectives.

To support safety, justice, and accountability in Vermont, I urge you to pass S.140.

Regards,

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<sup>1</sup>BSG and fwd.us “New Polling Shows Criminal Justice Reform is a Winning Issue for 2024 Election,” press release (Washington, DC: BSG, fwd.us, October 2024) 6 <https://www.fwd.us/wp-content/uploads/2024/10/New-Polling-Shows-Criminal-Justice-Reform-is-a-Winning-Issue-for-2024-Election.pdf>. BSG conducted an online survey of n=1496 likely voters nationwide, including an oversample of n=355 Black voters and n=308 Hispanic voters. The poll fielded from September 17-24, 2024. The sample was weighted to ensure it was proportionately representative of likely voters nationwide. The overall margin of sampling error is ±2.53% at the 95% confidence level. BSG also conducted 4 state-level polls in AZ, GA, MI, and PA from September 17-26, with n-sizes of 542, 550, 544, and 566, respectively. The margins of error at the 95% confidence level are ±4.21%, ±4.18%, ±4.20%, and ±4.12%, respectively.

<sup>2</sup> Vermont [SB 140](#), Proposed V.S.A. Section 7046(c)(1)(A), (2025)

<sup>3</sup> Sara Cohbra and Becky Feldman, *The Second Look Movement: An Assessment of the Nation's Sentence Review Laws* (Washington, DC: The Sentencing Project, 2025), 4, <https://www.sentencingproject.org/reports/the-second-look-movement-a-review-of-the-nations-sentence-review-laws>. The states are: California, Colorado, Connecticut, Delaware, Florida, Georgia, Illinois, Maryland,

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Minnesota, New Jersey, New York, North Dakota, Oklahoma, Oregon, Utah, and Washington. After this was published, New Jersey also passed S4870 in January 2026, establishing a right to petition for resentencing consideration based on a connection between the conviction and a history of victimization.

<sup>4</sup> Maryland HB 085 (2025). <https://mgaleg.maryland.gov/mgawebsite/Legislation/Details/HB0853?ys=2025RS>

<sup>5</sup> Delaware SS 1 (2025), <https://legis.delaware.gov/BillDetail/142344>. SS 1 states that individuals aged 60 and above must have served at least 15 years before making an application, people younger than that must have served at least 25 years. Maryland's bill allows anyone not convicted of life without parole, and who were under the age of 25 when they committed the offense, to apply for resentencing after they have served 20 years.

<sup>6</sup> Vera Institute of Justice "[Recidivism Outcomes for Early Release: Assessing the Effects of Resentencing People Convicted of Violent Crimes](#)" fact sheet (New York: Vera Institute of Justice, March 2026).

<sup>7</sup> Alissa Skog and Johanna Lacoë, *The Role of Second Look Policies in Reforming California's Approach to Incarceration* (Berkeley, CA: California Policy Lab, 2025), <https://perma.cc/4FYA-EQZ5>.

<sup>8</sup> *Unger v. State*, 427 Md. 383 (2012).

<sup>9</sup> Justice Policy Institute, *The Ungers, 5 Years and Counting: A Case Study in Safely Reducing Long Prison Terms and Saving Taxpayer Dollars* (Washington, DC: Justice Policy Institute, 2018), 10, <https://perma.cc/8V7B-SRS5>

<sup>10</sup> *Ibid.*, 17

<sup>11</sup> Howard N. Snyder, *Arrest in the United States, 1990–2010* (Washington, DC: Bureau of Justice Statistics, 2012), Figures 3, fig. 4 (murder), fig. 77 (forcible rape), fig. 5, fig. 11; fig. 8, fig. (robbery) & fig. 24 (burglary), <https://perma.cc/SA4A-4WGS>.

<sup>12</sup> Grant Duwe, *The Use and Impact of Correctional Programming for Inmates on Pre- and Post-Release Outcomes* (Washington, DC: National Institute of Justice, 2017), 21–24, <https://perma.cc/55LV-DYAD>.

<sup>13</sup> Erica Bryant, "Listen to their Stories: These Crime Survivors Don't Want More Prison," Vera Institute of Justice, October 29, 2025, <https://www.vera.org/news/listen-to-their-stories>; and Alliance for Safety and Justice (ASJ) and Crime Survivors for Safety and Justice (CSSJ), *Crime Survivors Speak 2024: A National Survey of Victims' Views on Safety and Justice* (California: ASJ and CSSJ, 2024), 4, <https://perma.cc/8PLY-948B>.