



Bill Summary: The Second Look Act S. 2146/H.R. 3795

The Bill: If passed, the Matthew Charles and William Underwood Second Look Act of 2019 would allow federal judges to modify sentences that are longer than 10 years if the court finds that the defendant 1) is not a threat to public safety; 2) presents no credible risk of criminal conduct; and 3) is ready for reentry; and the interest of justice warrant a sentence modification.

Sponsor: Sen. Cory Booker (D – New Jersey) and Rep. Karen Bass (D – Calif.)

Who it would help: People in federal prison with a sentence that is more than 10 years.

Bill status: *This bill is not yet law.* The bill must pass through the Senate Judiciary Committee, House Judiciary Committee, and pass through the floors of both the House of Representatives and Senate before it can be signed into law by the President.

Sentence modification: If passed, S. __ would allow federal judges to reconsider and modify a prison sentence that is more than 10 years, if:

- A person has served least 10 years of their sentence; and
- The court finds that:
 - the defendant is not a danger to any person or community;
 - the defendant presents no credible risk of criminal conduct;
 - the defendant demonstrates a readiness for reentry; and
 - the interests of justice warrant a sentence modification
- Individuals granted a sentence modification must remain under supervised release for no more than 5 years following their release from prison.
- The court has to state on the record the reasons for granting or denying a sentence modification.
- There shall be a presumption of release for a defendant who is 50 years or older on the date of application for resentencing.

Reapplication: If a person is denied a sentence modification, they can reapply after the following period:

- **Second application:** 5 years after an order was entered by the court for the first application. *If a defendant appeals the decision of the first application, they cannot file a second petition.*
- **Third application:** 2 years after an order was entered by the court for the second application.
- **Final application:** when the defendant is 50 years or older and has exhausted the sentencing modification process.



Factors Considered: When determining to modify a sentence, the court may consider the factors in section 3553(a), including the nature of the offense, the history and characteristics of the defendant. The court must consider:

- The age of the defendant at the time of the offense;
- The age of the defendant at the time of the petition, and relevant data on age and declining criminality;
- A report and recommendation of the Bureau of Prisons, including information on compliance, and completion of any educational, vocational or other programs;
- A report and recommendation of the U.S. attorney;
- Whether the defendant has demonstrated maturity, rehabilitation, and fitness to reenter society sufficient to justify a sentence modification;
- A statement from the victim or a family member of the victim, if the victim is deceased
- A report on the physical, mental or psychiatric examination of the defendant;
- The family and community circumstances of the defendant at the time of the offense, including history of abuse or involvement in child welfare system, and the potential benefits to children and family members of reunification with the defendant;
- The extent of the role of the defendant in the offense and whether and to what extent an adult was involved (if the defendant was a juvenile at the time of the offense);
- The diminished culpability of juveniles compared to adults; (if the defendant was a juvenile at the time of the offense); and
- Any other information the court finds relevant.

Appeal: The government or the defendant can file an appeal for a review of a final order of either the initial application for a sentence modification or the final application when the defendant is over 50 years old.