Second Look Resentencing in Virginia

5-year impact in Virginia

Instituting a second look sentencing policy to offer sentence reconsideration after 10 years for people who were 25 years old or older at the time of the offense or after 15 years for individuals 25 years or older, could generate savings of $9.37M on incarceration in Virginia over 5 years. This policy could also grow the labor sector by $27M via wages earned by released individuals.

The opportunity

In 2019, 28,970 Virginians were incarcerated in jails, while 36,091 Virginians were incarcerated in state prisons. Existing law does not place a time limit on a person's ability to have their sentence reconsidered as long as they are being held in a local jail. Under current Virginia law, individuals may only seek a suspension or modification of their sentence if they are being held in a local jail or were transferred to a Department of Corrections facility within the past 60 days. 61 or more days after being transferred, people cannot have their sentences reconsidered by the sentencing court.

H.B. 906 and S.B. 378 would allow all people who have been sentenced for a felony to request a reconsideration of their sentence after ten or fifteen years of time served depending on the age of the petitioner as well as stringent behavioral and rehabilitative standards delineated in the code, regardless of the location where they are incarcerated. This change would standardize the reconsideration process, eliminate inconsistencies in appeal eligibility, and provide a transparent mechanism for qualified petitioners to have their sentence reviewed by the court to determine if an extended sentence is still appropriate while considering input from designated stakeholders including victims and prosecutors.

816
Currently Incarcerated People Eligible as of July 2021

~11.2%
Percent of Virginia’s prison population over the age of 55

Projected population impact over 5 years

289 fewer people in prison

Potential boost to labor sector

$27M in wages earned by people released under H.B. 906 and S.B. 378

Impact of similar policies at the state level

Legislators in 25 states, including Minnesota, Vermont, West Virginia, and Florida, have recently introduced second look sentencing bills. At least 5 states currently offer some type of second look sentencing policy.

› Maryland

SB 494, approved in 2021, allows incarcerated individuals convicted as adults for offenses committed before their 18th birthday to petition the court for resentencing after serving 20 years.

› Washington D.C.

In December 2020, the DC Council approved the Second Look Amendment Act, allowing individuals who were sentenced under age 25 to petition the courts for resentencing after serving for 15 years.