



1411 K Street N.W.
Suite 900
Washington, D.C. 20005
Solutions.
202-525-5717
www.rstreet.org

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Testimony from:

Sarah Anderson, Associate Director, Criminal Justice & Civil Liberties, R Street Institute

In REGARD to Senate Bill 140: “An act relating to implementing second look sentencing and compassionate release ”

March 13, 2026

Senate Committee on Judiciary

Chairman Hashim and members of the committee,

My name is Sarah Anderson, and I am the associate director of criminal justice and civil liberties at the R Street Institute, which is a nonprofit, nonpartisan, public policy organization. Our mission is to engage in research and outreach to promote free markets and limited, effective government across many areas of policy, including in the field of criminal justice and civil liberties.

We have a particularly vested interest in creating a system that improves public safety while promoting the fair, efficient, and constitutionally-aligned operation of the justice system.. An essential piece of this is ensuring that we hold offenders accountable for their actions, yet still allow for successful rehabilitation and an opportunity to truly leave life’s mistakes behind when earned. For these reasons, we are closely following the legislature’s consideration of Senate Bill 140, and are eager to participate in this conversation today.ⁱ

Second look resentencing policies have increasingly gained attention across the country as policymakers grapple with the long-term consequences of lengthy prison sentences imposed decades earlier.ⁱⁱ These policies create a structured mechanism for courts to reassess whether continued incarceration remains necessary after an individual has served a specified portion of their sentence. Importantly, these policies do not—and should not—guarantee release. Rather, they provide judges with the ability to evaluate whether a person who has demonstrated sustained rehabilitation and no longer poses a meaningful public safety risk should remain incarcerated for the remainder of their sentence, or if we should recognize their rehabilitation and allow them to return home to become productive, taxpaying members of society.

We are encouraged to see Vermont taking steps towards considering whether this type of policy makes sense for its population, both inside and outside of prisons. Second look policies are grounded in a simple but powerful proposition: people are capable of change and rehabilitation, and our justice system should allow for and encourage that possibility where appropriate.ⁱⁱⁱ Substantial empirical research demonstrates

that individuals, especially those who committed their offenses at younger ages, experience significant cognitive, emotional, and psychosocial development as they age. These developmental realities are reflected in decades of research showing the likelihood of reoffense declines sharply with age.^{iv}

Furthermore, individuals who have served long sentences are also statistically among the least likely to reoffend upon release.^v At the same time, the criminal justice system has evolved considerably over the past several decades, and many sentences imposed in earlier eras were shaped by policy frameworks that emphasized uniform severity rather than individualized reassessment.^{vi}

Second look policies provide a measured way to incorporate what we now know about rehabilitation, aging, and public safety into the justice system. They allow courts to evaluate the full record of an individual's conduct during incarceration, including participation in behavioral, educational, or vocational programming, evidence of personal growth, disciplinary history, and demonstrated readiness for reentry. Judges are uniquely positioned to weigh these factors alongside the seriousness of the original offense and the proactively sought interests of victims and communities impacted by an individual's potential release.

These policies can also improve the functioning of correctional systems. Long-term incarceration is expensive. Incarceration alone costs around \$136,000 per incarcerated person per year in Vermont, and these correctional expenditures only rise—and steeply—as the prison population ages, driven by healthcare costs associated with chronic illness and disability.^{vii,viii} Allowing courts to reconsider lengthy sentences enables states to focus resources where they are most needed: on individuals who remain a demonstrable risk to public safety, rather than on those whose incarceration yields minimal benefit.

Additionally, the possibility of sentence reconsideration can improve institutional safety by incentivizing positive behavior and engagement with programming, particularly among those with lengthy sentences. Second look mechanisms maintain accountability while recognizing the possibility of transformation. They do not erase past harm or minimize the seriousness of criminal conduct. Instead, they acknowledge that justice systems should retain the capacity to reassess sentences when evidence demonstrates that continued incarceration may no longer serve its intended purposes.

As this body considers Senate Bill 140 and the broader policy questions it raises, this conversation offers the start of an important opportunity to examine how Vermont's justice system can balance accountability, public safety, fiscal responsibility, and the recognition that people are capable of meaningful change.

Thank you for your time and consideration. I appreciate the committee's thoughtful engagement on this issue and would be happy to answer any questions.

Sarah Anderson
Associate Director, Criminal Justice & Civil Liberties
R Street Institute
sanderson@rstreet.org

ⁱ Vermont General Assembly, 2026 Legislative Session, Senate Bill 140, Last Accessed March 12, 2026: <https://legislature.vermont.gov/bill/status/2026/S.140>.

ⁱⁱ Becky Feldman, “The Second Look Movement: A Review of the Nation’s Sentence Review Laws,” The Sentencing Project, May 15, 2024: <https://www.sentencingproject.org/reports/the-second-look-movement-a-review-of-the-nations-sentence-review-laws/>.

ⁱⁱⁱ Becky Feldman, “The Second Look Movement: A Review of the Nation’s Sentence Review Laws,” The Sentencing Project, May 15, 2024: <https://www.sentencingproject.org/reports/the-second-look-movement-a-review-of-the-nations-sentence-review-laws/>.

^{iv} “The Older You Get: Why Incarcerating the Elderly Makes us Less Safe,” FAMM Foundation, April 19, 2022: <https://famm.org/wp-content/uploads/2021/10/Aging-out-of-crime-FINAL.pdf>.

^v JaneAnne Murray, et al., “Second Look = Second Chance: Turning The Tide Through NACDL’s Model Second Look Legislation,” National Association of Criminal Defense Lawyers, 2021: <https://www.nacdl.org/getattachment/c0269ccf-831b-4266-bbaf-76679aa83589/second-look-second-chance-the-nacdl-model-second-look-legislation.pdf>.

^{vi} “After 50 Years Of The War On Drugs, 'What Good Is It Doing For Us?'” *NPR Morning Edition*, June 17, 2021: <https://www.npr.org/2021/06/17/1006495476/after-50-years-of-the-war-on-drugs-what-good-is-it-doing-for-us#:~:text=The%20U.S.%20still%20incarcerates%20more,of%20the%20Affordable%20Care%20Act>.

^{vii} USA Facts team, “How much do states spend on prisoners?,” USA Facts, April 17, 2024: <https://usafacts.org/articles/how-much-do-states-spend-on-prisons>.

^{viii} Matt McKillop and Alex Boucher, “Aging Prison Populations Drive Up Costs,” Pew Charitable Trusts, February 20, 2018: <https://www.pew.org/en/research-and-analysis/articles/2018/02/20/aging-prison-populations-drive-up-costs>.