



Second Look Amendment Act of 2019

“Omnibus Public Safety and Justice Amendment Act of 2020”

What is the Second Look Amendment Act of 2019?

A law introduced by the D.C. Council in 2019 which allows individuals serving a DC Code sentence to ask the court to consider re-sentencing them if the offense the individual is serving a sentence for was committed *before* they were 25, and if they have served at least 15 years in prison. It is an expansion of the Incarceration Reduction Amendment Act, a law which was passed in 2016 and allowed people convicted of offenses committed before the age of 18 to petition the court for sentence reductions after serving 15 years. The Second Look Amendment Act went into effect on April 27, 2021.

What Are the Qualifications To Be Eligible?

To qualify under the law, you must meet **all three** of the following requirements:

1. You are serving time on a violation of DC law (not a federal crime or for a crime that took place outside DC);
2. You were under 25 years of age at the time of the offense; and
3. You have served at least 15 years of your sentence.

What Will the Process Be for Seeking a Sentence Reduction Under the Second Look Act?

The process for seeking a sentence reduction under the Second Look Amendment Act is a lengthy one. The process will require collecting all Bureau of Prisons records about the person; collecting all educational, mental health, juvenile and criminal justice records about the person; extensive investigation into the offense of conviction and extensive investigation into, and interviews of, the individual's family, friends, teachers, therapists, neighbors, employers and others in her/his life. All of those things will have to be done before a motion can even be filed. Those steps alone often take at least a year.

Once all those steps have been taken, it takes several weeks or months to write and file a motion. After a motion is filed, the government files a response, and then the movant may file a reply. There may be many court hearings once all the written materials have been submitted.

An individual who is denied resentencing must wait three years before filing another petition under this Act. An individual may petition the court for resentencing under this Act at total of three times.

What Can I Do Now If I Believe I Am Eligible?

The most important things you can do to put yourself in the best possible position to apply for a sentence reduction if and when you become eligible under the law is to 1) stay out of trouble, and 2) participate in as many classes and programs as you can, especially educational programs, job training, and programs such as Anger Management, Victim Impact, Sex Offense Treatment (if you have been convicted of a sex offense), drug treatment (if you have a history of drug use), the Challenge Program, the BRAVE program, and others.

You should also begin collecting any records or certificates from programs or other positive things you have done while incarcerated. If there are any BOP staff members who would be willing to write a positive letter or memo of support, consider asking them to do so and see if you can get a copy to keep for your own records. You may also consider asking them to include positive comments in your next Individual Needs Plan – Program Review. Do not do anything with these materials other than keep them organized and available so that you can quickly send them to an attorney.

Families and loved ones of eligible individuals can also help by making sure that documents and records related to the eligible person are maintained in a secure place and are not lost or thrown away. Documents like the eligible person's birth certificate, medical records, and school records (like report cards) may be particularly important. Families can also gather and keep safe photographs of the eligible person, as well as photographs of their friends and family members through the years. Photographs from the person's childhood as well as photographs from any prison visits made by the family or friends can be particularly helpful.

How Do I Get a Lawyer?

Most people who are already eligible are on a list that the D.C. Superior Court now has. The Court is appointing lawyers to eligible people, starting with the people who have been incarcerated the longest. The first appointments of lawyers were made to people who have been incarcerated for 29 years or more. The Court will be making more appointments in the future.

If do not have a lawyer, you believe you are eligible under the Second Look Act, and you are not sure if you are already on the list of eligible people, you may write to the Public Defender Service for the District of Columbia so that they can look into your situation. Their contact information is below. As this is a long process, and there are a large number of eligible applicants, they might not be able to respond right away:

Email: lison@pdsdc.org
Mail: Lauren Ison
Public Defender Service
633 Indiana Ave. NW
Washington, DC 20004