

# Resentencing in the U.S.: A Practice with a Net Positive Impact

Resentencing has garnered substantial public support and offers numerous benefits, including reducing prison overcrowding, saving taxpayer dollars, and addressing past injustices within the criminal justice system.

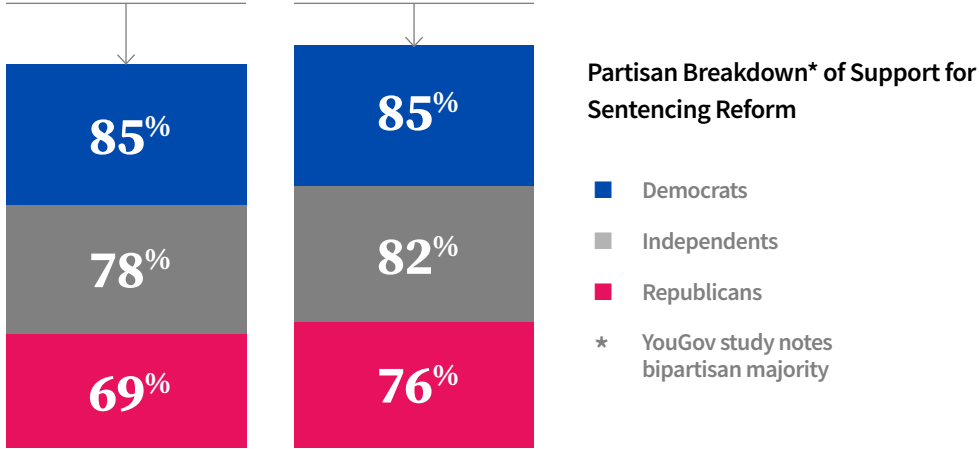
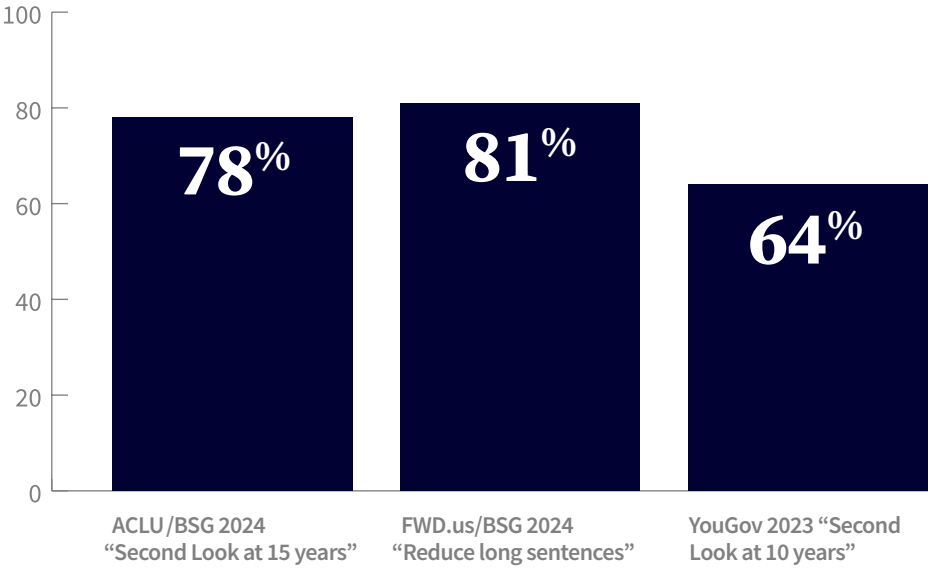
## I. Public Support for Reform

Three separate national polls show  $\approx 4$  in 5 voters, across parties, want prosecutors and judges to revisit long sentences when the incarcerated person is no longer a public safety threat.

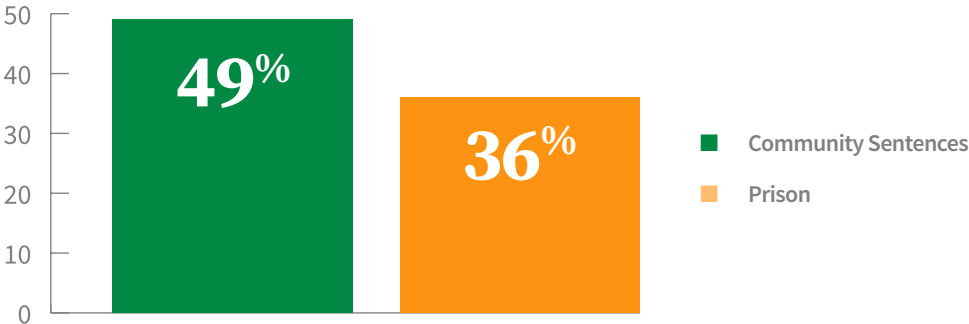
Poll (field date / sample)	Question summary	Support	Partisan split
ACLU + Benenson Strategy Group, May 2024, n $\approx$ 1,500 likely voters ( <a href="https://assets.aclu.org">assets.aclu.org</a> )	“Allow judges <i>and</i> prosecutors to review sentences after 15 years (‘Second Look’).”	78%	D 85% I 78% R 69%
YouGov national survey (peer-reviewed, 2023, n=800) (CrimRxiv)	“All incarcerated people should get a judicial ‘second look’ at 10 yrs.”	64% (18% opposed)	— (study notes bipartisan majority)
FWD.us / BSG, Aug 2024, n=1,000 likely voters ( <a href="https://www.fwd.us">FWD.us</a> )	“Support criminal-justice reforms that <i>reduce long sentences</i> when people pose no risk.”	81%	D 85% I 82% R 76%
UK comparison (YouGov $\times$ Times Crime & Justice Commission, Feb 2025) — shows the same public appetite for <i>alternatives to prison</i> for non-violent cases ( <a href="https://www.thetimes.com">The Times</a> )	Community sentences for non-violent offenses	49% prefer community sentences vs. 36% prison	—

In addition to this national polling, public opinion polls consistently show strong support for criminal justice reform broadly. A 2024 poll found that **81% of likely voters** support criminal justice reform, with a third “strongly” in favor. This support **transcends political affiliations**, with 76% of Republicans, 82% of Independents, and 85% of Democrats backing reform.

### Overall Support for Criminal Justice Reform Initiatives



### International Comparison: UK Public Preferences for Non-violent Offenses



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## II. Benefits of Resentencing

Resentencing offers a multitude of benefits to individuals, communities, and the criminal justice system as a whole. These include:

### Reducing Prison Overcrowding

The U.S. has the highest incarceration rate globally and has seen a [500% increase](#) in its prison population over the last 50 years. Resentencing can play a crucial role in alleviating prison overcrowding by allowing for the release of individuals who no longer pose a threat to public safety. In just the third year of California's prosecutor-initiated resentencing pilot across nine counties, [174 individuals](#) had been released from prison. By reducing the number of people in prison, resentencing [frees up resources](#) that can be redirected towards more effective crime prevention and rehabilitation programs. Resentencing [helps ensure](#) that prison space is reserved for those who pose the greatest risk to society.

### Saving Taxpayer Money

Traditional sentencing in America, with its reliance on mass incarceration, has proven to be a failure. It does not effectively [deter crime](#), but it does institutionalize inmates at an incredible cost to the state. The annual cost to incarcerate one person in the U.S. can range [from \\$14,780 to \\$69,355](#). In California, it averages an eye-watering [\\$132,860](#). Resentencing can lead to significant cost savings for taxpayers by reducing the financial burden of maintaining a large prison population. For example, per [one analysis](#), two California resentencing laws were estimated to have saved \$181 million in incarceration costs over four years. By releasing individuals who are no longer a threat, resentencing allows for these funds to be [allocated to other critical areas](#), such as education, healthcare, and social services, which can further help to prevent crime and address its root causes.

### Opportunities for Dialogue

Resentencing can provide crime victims and crime victims with another chance at [dialogue and closure](#). Many resentencing provisions ensure a place for victim involvement. In California, under Marsy's Law, the victim will be [notified](#) when the offender is considered for resentencing and given the chance to offer their input. Whereas a lengthy prison sentence may seal off restorative justice opportunities, resentencing [opens that door](#). Victims are not required to participate, but if they are interested, resentencing can make dialogue possible.

### Reducing Sentencing Disparities

Resentencing is a promising means to reduce sentencing disparities. Due to shifts in penal policy, many incarcerated people are serving sentences disproportionate to the crime. This is especially true of communities of color and immigrants. Racial disparities in sentencing are more extreme in lengthy sentences, as overpolicing of these communities and use of previous criminal history in sentencing intersect to drive [longer sentences](#) for Black and Latino defendants. Charges and enhancements that disproportionately impact certain racial groups, such as punitive drug laws and gang enhancements, [exacerbate the cycle](#). This then has [negative downstream effects](#) on employment and earnings. By directing courts to take into account changes in the law when determining the new sentence, resentencing can correct prison term disparities and, in doing so, take a step toward remedying historical racial injustice.

### Incentivizing Rehabilitation

Resentencing serves the penal goal of rehabilitating offenders. As with [credit-earning opportunities](#), when resentencing makes release a tangible possibility that depends in part upon behavior while in prison, incarcerated individuals have a motivation to be rehabilitated. Resentencing can therefore incentivize individuals to follow rules and participate in self-improvement activities.

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### III. Responses to Criticism

Despite the numerous benefits, some concerns have been raised about resentencing, which are addressed below:

- **Public Safety Concerns:** Some argue that resentencing could compromise public safety by releasing individuals who may re-offend. However, studies have shown that recidivism rates among those who have been resented are low. For example, the three-year re-conviction rate for persons who previously served an indeterminate term was [3.2%](#). This is markedly lower than the national three-year return-to-prison rate of [39%](#).
- **Lack of Remorse:** Some object that resentencing could be granted to individuals who have not shown remorse for their crimes. However, prosecutors and judges [may consider remorse](#) to determine whether to initiate or grant resentencing; in [some laws](#), it is explicitly mentioned. As such, remorse plays a role in the resentencing process, although there are issues with the extent to which it should be relied upon. For one, opportunities for incarcerated persons to share remorse are limited by [restrictions on contact with victims](#), as in New York, where apology letters are kept confidential unless the victim seeks them out. Furthermore, requiring expressions of remorse can cause issues for [wrongfully convicted individuals](#) seeking resentencing. Finally, the way that decision-makers evaluate remorse can [implicate racial bias](#) and yield discriminatory outcomes.
- **Victim's Rights:** Concerns have been raised about the potential impact of resentencing on victims of crime. However, many resentencing provisions and other criminal laws, [including California's](#), ensure that victims are notified and have an opportunity to be heard. This [can include](#) providing victims with information about the individual's remorse, rehabilitation efforts, and plans for reentry. Victims and survivors of crime can thus provide valuable input and context and may benefit from restorative justice opportunities that arise during resentencing, but they notably have [limited insight](#) into whether the incarcerated individual has been rehabilitated. Their right to be heard should therefore be balanced with other appropriate resentencing considerations.

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### Conclusion

Voters aren't asking whether prosecutors should revisit extreme sentences — they're asking when. Thirteen state legislatures have already passed second-look laws that allow for judicial review of extreme sentences. Leaning in on resentencing is fiscally smart, safety-conscious, and enjoys super-majority, bipartisan approval.