

# **Issues for Discussion**



**Sentencing Guidelines Commission**

**June 2012**

**Issue I: Who should be eligible for a “second look”?**

A	B	C	D	E
<p>Nobody. The original sentence imposed should be served.</p>	<p>All those who have served a certain period of time.                      -15 years?                      -20 years?                      -25 years?</p>	<p>Those who committed their crime before age 18 and have served more than a fixed number of years.</p>	<p>Those whose sentence was imposed for specified crimes.                      - drug offenses?                      -robbery 2°?</p>	<p>Some combination of categories B, C and D.</p>

**Issue II: Should there be exclusions from eligibility based on crime of conviction.**

A	B	C	D	E
Aggravated Murder 1°	Determinate Plus Sex Offenders	3 Strikes	2 Strikes	Mandatory Minimums for Firearms/Deadly Weapons

**Issue III: Who should make the “second look” determination?**

<b>A</b>		<b>B</b>	<b>C</b>	
An existing body		A newly created body	Judges	
Clemency Pardons Board	Indeterminate Sentence Review Board	Citizens Custody Review Board	Superior Court Judge	Panel of Retired Judges

**Issue IV: What criteria for decision making should be used?**

A	B	C	
The same as at the original sentencing	Age	Changed Circumstances	
American Law Institute proposal	Over 60? Over 65? Over 70?	Offender Based See Issue V	Society based changes in public attitude since sentencing - Drugs?

**Issue V: What offender based characteristics should support release?**

<b>A</b>	<b>B</b>	<b>C</b>	<b>D</b>	<b>E</b>
Infirmity -physical -mental	New Therapies	New Knowledge -Brain Development	Risk Reduction	Good Behavior

**Issue VI: How should risk assessment be used?**

<b>A</b>	<b>B</b>
Allow release only for those who are predicted to have a low risk of recidivism	Prohibit release for those who are predicted to have a high risk of recidivism

**Issue VII: Should the "second look" decision be subject to review?**

A	B	
No The decision should be final	Yes	
	By who?	What grounds?

**Issue VIII: Should there be further eligibility after denial?**

A	B
No	Yes
	Length of Time - 5 years? -10 years?

**Issue IX: Should there be conditions after release?**

A	B	
No If conditions are necessary then release should be denied	Yes	
	What conditions shall be permitted?	Revocation - Mechanism

**Issue X: Should there be screening of eligible inmates before a hearing?**

A	B
<p>No All who are in the eligible group should be reviewed.</p>	<p>Yes Response to Petition by Inmate -Is assistance for the inmate necessary?</p>
	<p>Gatekeeper function - shall all petitions go to hearing or should decision maker screen before hearing? - what criteria? - review of negative decision?</p>

**Issue XI: Who should participate in the hearing?**

A	B	C	D	E
Inmate -advocate permitted?	Victim - victim advocate	Department of Corrections	Prosecutor	Law Enforcement