

2026 SESSION

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1 **HOUSE JOINT RESOLUTION NO. 21**

2 Offered January 14, 2026

3 Prefiled January 12, 2026

4 *Directing the Virginia State Crime Commission to study and propose recommendations for a model policy*
5 *framework for the treatment and sentencing of veterans in the criminal justice system. Report.*

6 Patron—Thomas

7 Committee Referral Pending

8 WHEREAS, research has found robust associations between post-traumatic stress disorder (PTSD),
9 traumatic brain injury (TBI), substance use disorder, and both aggressive behavior and criminal justice
10 system involvement for veterans; and

11 WHEREAS, research also demonstrates that veterans are far more likely than civilians to be arrested and
12 incarcerated but are underidentified in the criminal justice system and receive inconsistent deflection and
13 diversion from prosecution and at sentencing; and

14 WHEREAS, incarcerated veterans screen positive for PTSD at a rate of 39 percent, as compared to six
15 percent for civilians, and high rates of PTSD, TBI, and substance abuse disorder, combined with inadequate
16 health care to treat these service-related conditions, impede a veteran's successful reentry into the community
17 post-release, which leads to continued involvement in the criminal justice system; and

18 WHEREAS, as of June 2024, Virginia ranked fifth among states in total veteran population, with 684,043
19 veterans residing in the Commonwealth; and

20 WHEREAS, in a report on local specialty dockets submitted to the General Assembly on November 25,
21 2025, the Office of the Executive Secretary of the Supreme Court of Virginia reported that, by the end of
22 fiscal year 2025, there would be 10 approved and operational veterans treatment dockets in the
23 Commonwealth, with four such dockets operating in circuit courts, five operating in general district courts,
24 and one operating in a juvenile and domestic relations district court; and

25 WHEREAS, veterans treatment dockets offer comprehensive behavioral health and substance abuse
26 treatment tailored to the needs of justice-involved veterans as an alternative to traditional case processing and
27 sentencing; and

28 WHEREAS, the approved veterans treatment dockets are operational in Chesterfield Circuit Court,
29 Fairfax Circuit Court, Fairfax County General District Court, Fairfax County Juvenile and Domestic
30 Relations District Court, Henrico County General District Court, Loudoun County General District Court,
31 Norfolk Circuit Court, Prince William General District Court, Rappahannock Regional Circuit Court, and
32 Pulaski General District Court, leaving most courts of the Commonwealth without specialized treatment
33 courts to help divert veterans from incarceration or other punitive sentences; and

34 WHEREAS, it is imperative that the Commonwealth strive to meet the needs of a vulnerable population
35 by providing compassionate and science-backed alternatives to incarceration and by establishing policies to
36 address the mental health needs of its military veterans in order to reduce the number of veterans involved in
37 the criminal justice system; now, therefore, be it

38 RESOLVED by the House of Delegates, the Senate concurring, That the Virginia State Crime
39 Commission be directed to study and propose recommendations for a model policy framework for the
40 treatment and sentencing of veterans in the criminal justice system.

41 In conducting its study, the Virginia State Crime Commission (the Crime Commission) shall (i) review
42 the publication *Alternatives to Prosecution and Incarceration for Justice-Involved Veterans: A Model Policy*
43 *Framework* by the Veterans Justice Commission of the Council on Criminal Justice; (ii) develop a model
44 policy framework for the courts of the Commonwealth to include the following: (a) broad eligibility criteria
45 to maximize participation in treatment dockets or treatment programs and include any veteran with an
46 indicator of mental or physical symptoms of a condition resulting from military service that could have
47 contributed to the commission of a criminal offense; (b) a uniform set of alternatives to prosecution and
48 incarceration of veterans provided to all courts and based on best practices used in analogous
49 problem-solving courts and community supervision; (c) a diversion program for veterans and set terms for
50 completion of such program, with judges determining veteran eligibility for such program; (d) an allowance
51 for a veteran sentencing option to guide judges, provide significant legal incentive to veterans who
52 successfully complete their case plans, and expand pre-trial supervision and probation in lieu of a record of
53 conviction or incarceration; (e) a recognition of veteran status as a mitigating but not aggravating sentencing
54 factor, with consideration of such status in addition to any other mitigation the court might provide for mental
55 health conditions; (f) case plans developed by the court, corrections agencies, or designated case management
56 professionals based on evidence-based clinical and criminogenic assessments of a veteran's specific risks and

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59 needs; (g) a policy to connect veterans with licensed and accredited providers tailored to address specific
60 risks and identified needs; and (h) a policy to permit veterans to complete programs in their counties of
61 residence and to encourage input from veterans and their families; (iii) evaluate current sentencing guidelines,
62 penalties, and minimum sentence requirements for criminal offenses to determine if policy recommendations
63 should be made to alter such guidelines, penalties, or minimum sentence requirements to allow for judicial
64 discretion if a defendant is identified as a veteran; (iv) provide policy recommendations to increase
65 alternative sentencing options in localities that currently do not have veterans treatment dockets or sufficient
66 services capable of providing mental health, behavioral health, or substance use disorder treatment to
67 veterans if they are diverted from incarceration; and (v) estimate funding needs and evaluate sources of
68 funding necessary to establish the recommended model policy framework for justice-involved veterans.

69 Technical assistance shall be provided to the Crime Commission by the Office of the Executive Secretary
70 of the Supreme Court of Virginia and the Virginia Criminal Sentencing Commission. All agencies of the
71 Commonwealth shall provide assistance to the Crime Commission for this study, upon request.

72 The Crime Commission shall complete its meetings by November 30, 2026, and the chairman shall
73 submit to the Division of Legislative Automated Systems an executive summary of its findings and
74 recommendations no later than the first day of the 2027 Regular Session of the General Assembly. The
75 executive summary shall state whether the Crime Commission intends to submit to the General Assembly and
76 the Governor a report of its findings and recommendations for publication as a House or Senate document.
77 The executive summary and report shall be submitted as provided in the procedures of the Division of
78 Legislative Automated Systems for the processing of legislative documents and reports and shall be posted on
79 the General Assembly's website.