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## HOUSE JOINT RESOLUTION NO. 21

Offered January 14, 2026

Prefiled January 12, 2026

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

Patron—Thomas

Committee Referral Pending

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

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

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

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

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

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

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

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

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

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

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

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

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