

WEST VIRGINIA LEGISLATURE

2026 REGULAR SESSION

Introduced

House Bill 4451

**FISCAL
NOTE**

By Delegates Hillenbrand, Ridenour, Heckert,

Sheedy, Watt, Flanigan, White, and Pritt

[Introduced January 16, 2026; referred to the

Committee on the Judiciary]

1 A BILL to amend the Code of West Virginia, 1931, as amended, by adding a new article,
2 designated §62-16A-1, §62-16A-2, §62-16A-3, §62-16A-4, §62-16A-5, §62-16A-6, §62-
3 16A-7, §62-16A-8, and §62-16A-9, relating to establishing the Veteran Justice Act;
4 allowing conditional opportunity for veterans to avoid a record conviction, reduce a charge
5 to misdemeanor, and obtain probation; providing definitions; establishing criteria for
6 eligibility; creating incentives for participation; establishing training requirements; creating
7 data collection and evaluation procedures; and establishing an effective date.

Be it enacted by the Legislature of West Virginia:

ARTICLE 16A. THE VETERAN JUSTICE ACT.

§62-16A-1. Purpose.

1 Veterans charged with certain offenses shall be given the opportunity to avoid a record
2 of conviction, or have a felony reduced to a misdemeanor, in probation eligible offenses and avoid
3 incarceration, and instead receive probation and treatment that has been tailored to address the
4 specific challenges they face stemming from their military service.

§62-16A-2. Definitions.

1 As used in this article, the words defined have the meaning given.
2 "Veteran" means a person who swore an oath and entered any branch of the Armed
3 Forces as that term is defined in §6-13-1 of this code, and is either:
4 (A) Currently serving in such branch and has not been discharged; or
5 (B) Was discharged or released from such service under any characterization except for
6 those receiving a dishonorable discharge or bad conduct discharge, unless the individual
7 receiving the dishonorable discharge or bad conduct discharge has been diagnosed with
8 substance-use disorder (SUD), military sexual trauma (MST), traumatic brain injury (TBI),
9 posttraumatic stress disorder (PTSD), or another mental health condition.

10 "Condition from military service" refers to substance-use disorder (SUD), military

11 sexual trauma (MST), traumatic brain injury (TBI), posttraumatic stress disorder (PTSD), or
12 another mental health condition that is related to an individual's military service in some manner.

13 "Case plan" means a set of goals, conditions, and programs that is based on a
14 professional risk and needs assessment, tailored to the specific risks and needs of the veteran,
15 and developed in collaboration with the veteran.

16 "Status Query and Response Exchange System" (SQUARES) means to a web application
17 of the United States Department of Veterans Affairs that provides VA employees and external
18 organizations, including homeless service community partners, law enforcement partners, and
19 local, state, and federal agencies, with reliable, detailed information about veteran eligibility. Users
20 submit identity attributes for individuals, and SQUARES returns information regarding the
21 veteran's status, eligibility for healthcare, and United States Department of Veterans Affairs
22 programs.

23 "Veterans Reentry Search Service" (VRSS) means to the secure website/database of the
24 United States Department of Veterans Affairs that enables correctional and other criminal justice
25 system entities to identify inmates or defendants who have served in the United States military.

26 "Veteran sentencing option" means that the disposition or adjudication of the case is
27 postponed pending the completion of the case plan. If the veteran successfully completes their
28 case plan, they receive the associated incentive described in §62-16A-5 of this code. Except in
29 cases where the judge approves a case plan in a pre-plea situation, if the veteran does not
30 successfully complete the case plan, they waive their right to a trial and accept that they will be
31 convicted of the crime and resume the standard sentencing process.

§62-16A-3. Eligibility.

1 (a) The local law enforcement department shall conduct verification of veteran status of
2 all individuals by using the best available federal databases, such as the Status Query and
3 Response Exchange System (SQUARES)and/or the Veterans Reentry Search Service (VRSS)],
4 or a similar service using the definition of veteran from §62-16A-2 of this code, to identify

5 individuals who may be eligible for a veteran sentencing option.

6 (b) All veterans shall be eligible for a veteran sentencing option if there are one or more
7 indicators of mental or physical symptoms of a condition from military service which could have
8 contributed to the offense. This includes the psychological effects from their time in service as well
9 as from the period of family separation related to deployment. Notwithstanding, all veterans shall
10 be eligible for a veteran sentencing option if they have been previously diagnosed, or provisionally
11 diagnosed, with substance use, mental health, and/or neurocognitive disorder without condition
12 on military service and relation to the offense.

13 (c) A presumption in favor of a veteran sentencing option exists for any offense that is
14 eligible for probation, which can only be overcome by a judicial finding that such a sentencing
15 option would not reasonably ensure public safety based on an individualized assessment of the
16 veteran and consideration of the supervision, treatment, and other programs available in that
17 community. The presumption may apply to veterans who previously absconded or were re-
18 arrested for a new offense while previously given the benefit of this option.

19 (d) Crimes that are ineligible for this program shall include murder, kidnapping, sexual
20 assault, crimes related to pedophilia including but not limited to sexual offenses against children;
21 and human trafficking.

§62-16A-4. Program details.

1 (a) Eligible veterans who qualify for this program and choose to receive, a veteran
2 sentencing option, as described in §62-16A-3 of this code shall enter a program that contains the
3 following elements:

4 (1) Probation of pretrial, when appropriate.

5 (2) Evidence-based treatment tailored to address the specific challenges facing veterans,
6 such as posttraumatic stress disorder (PTSD), traumatic brain injury (TBI), military sexual trauma
7 (MST), Substance Abuse Disorder (SUD), or another mental health condition. Ensure evidence-

8 based, researched standards are implemented in all aspects of the program. Ensure all treatment
9 providers are licensed and accredited.

10 (3) A case plan:

11 (A) Developed by the court, corrections agencies, and/or designated case management
12 professionals;

13 (B) Based on a professional evidence-based clinical and criminogenic assessment of the
14 veteran's specific risks and needs;

15 (C) Created in conjunction with input from the veteran;

16 (D) Containing clear and individualized supervision and treatment goals, including
17 guidelines that detail the program rules, consequences for violating the rules, and incentives for
18 compliance; and

19 (E) Communicated to the veteran at the start of the program.

20 (4) In the implementation of the program, judges shall retain discretion in:

21 (A) Deciding veteran eligibility;

22 (B) Establishing the conditions of the program, including the creation of the case plan;

23 (C) Setting the terms of successful program completion and release upon that successful
24 completion; and

25 (D) Determining if the veteran has successfully completed their program at a final hearing.

26 (5) All eligible veterans may request having their supervision changed to their county of
27 residence, provided that being moved to their county of residence does not interfere with:

28 (A) The ability of the veteran to receive appropriate supervision and treatment; and

29 (B) The rights of the victim according to existing state law.

30 (6) Family members may elect to receive information about case plans and progress.

31 (A) If a no-contact order is in place between the veteran and their family, that order shall be
32 evaluated periodically to determine if preventing contact is necessary.

33 (7) Victims/survivors shall have the opportunity to be involved in the process, including the
34 opportunity to submit a written statement to be read at the final hearing where program completion
35 is determined.

36 (A) In domestic violence cases, the victim shall have the opportunity to receive a victim
37 advocate to mentor them throughout the process.

38 (b) This program shall be operated by existing pretrial and/or probation departments.

§62-16A-5. Incentives for successful program completion and record expungement.

1 (a) Veterans who successfully complete their program shall avoid a term of incarceration
2 upon successful completion and have a presumption in favor of either having their case dismissed
3 and their conviction not recorded or have their felony conviction converted to a misdemeanor.
4 This presumption can only be overcome by a judicial finding that the veteran remains an ongoing
5 risk to public safety and such a dismissal or conversion would not reasonably ensure public safety.
6 The determination must be stated on the record to include the facts upon which the judge relied
7 to reach it.

8 (b) Veterans, like other eligible individuals, should be eligible for expungement as provided
9 for by existing state law.

§62-16A-6. Sentencing mitigation.

1 (a) Veterans who are not eligible for a veteran sentencing option as detailed in §62-16A-3
2 of this code shall have their veteran status recognized as a factor in determining their sentence.

3 (b) Sentencing mitigation for veterans shall contain the following elements:

4 (1) At arraignment, the court shall notify the veteran that their veteran status may have
5 mitigation value.

6 (A) The court shall offer the veteran the ability to communicate their veteran status through
7 counsel or by other means, avoiding the need for self-identification of veteran status in open court.

8 (2) A bar on using veteran status as an aggravating factor, meaning veterans cannot
9 receive a more severe punishment by virtue of being a veteran.

10 (3) Veteran status shall be considered in addition to any other existing mitigation provided
11 for mental health conditions in a jurisdiction.

12 (4) Other trauma suffered by the veteran, such as Adverse Childhood Experiences, shall
13 not be used to deny the existence of military trauma.

14 (5) The court may take into consideration individual merit earned during service, overseas
15 deployment, exposure to danger, and service-connected disability ratings when considering
16 sentencing mitigation. When considering multiple factors, the court should give additional credit
17 for each factor.

18 (6) The court shall not mandate a connection between the offense and a condition from
19 military service in order to consider a veteran for sentencing mitigation.

20 (7) When the veteran can show a clear connection between the offense and a condition
21 from military service, and progress in treating that condition, prison is inappropriate in all but the
22 most severe cases.

§62-16A-7. Training.

1 (a) Law enforcement, courts, and corrections personnel shall receive training designed to
2 increase their understanding of cases involving veterans, including veterans' exposure to violence
3 and trauma.

4 (b) Training shall include attention to issues that disproportionately impact female
5 veterans, such as military sexual trauma (MST).

§62-16A-8. Data collection and evaluation.

1 (a) Courts shall track and report the number of veterans receiving, successfully
2 completing, declining, and denied a veteran sentencing option and sentencing mitigation.

3 (b) Prosecutors and law enforcement shall track and report the number of veterans
4 receiving, successfully completing, declining, and denied prosecutorial or law enforcement
5 veterans' diversion and treatment courts.

6 (c) All data collected and reported shall be categorized by race, ethnicity, gender, age,
7 military discharge characterization, and offense type.

8 (d) The Department of Veteran's Assistance shall develop a plan for tracking outcomes
9 among veterans who receive a veteran sentencing option, including successful completion of the
10 program, recidivism, housing status, and employment status.

11 (e) The Department of Veteran's Assistance shall develop a plan for ongoing evaluations of
12 the veteran sentencing option, including occasional independent evaluations that employ causal
13 methods.

14 (f) Law enforcement, courts, and corrections are authorized to seek federal funding to
15 support the infrastructure and operating costs associated with implementing this act.

§62-16A-9. Effective Date.

1 (a) This act shall take effect July 1, 2026.

NOTE: The purpose of this bill is to establish the Veteran Justice Act.

Strike-throughs indicate language that would be stricken from a heading or the present law
and underscoring indicates new language that would be added.