Nebraska Enacts Landmark Law to Steer Troubled Veterans Away from Incarceration and into Treatment

The state is the first in the nation to adopt a policy framework from the Veterans Justice Commission, a CCJ panel led by 2 former U.S. Defense Secretaries

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WASHINGTON – Nebraska Gov. Jim Pillen has signed landmark legislation that creates alternatives to prosecution and incarceration for military veterans, ensuring they receive treatment for PTSD and other service-related conditions that drive their criminal behavior.

The governor's action makes Nebraska the first state to adopt legislation based on a policy framework from the Veterans Justice Commission, a national panel led by former U.S. Defense Secretaries Chuck Hagel and Leon Panetta. The Council on Criminal Justice launched the 15-member commission of senior military and criminal justice leaders to examine why so many veterans land in prison and jail and develop solutions.

Under the new law, veterans who demonstrate that a service-related condition contributed to their offense can be diverted from prosecution by a judge. Those eligible will instead be required to complete a structured program combining supervision with individualized treatment for PTSD, traumatic brain injury, or other conditions. Only certain crimes currently eligible for probation will be considered for diversion, and victims will have the opportunity to address the court.

Hagel said the approach complements Veterans Treatment Courts in providing the court system with options to assist veterans and will help more veterans manage the invisible wounds of war. Nationally, 14% of counties operate specialized veterans courts, and eligibility requirements exclude many veterans.

"People who have served this nation in our armed forces have sacrificed to protect all of us," Hagel said. "This law recognizes that sacrifice by ensuring that our veterans are not lost in our prisons and jails, but instead receive interventions that can help them resume their responsibilities to their families, their communities, and their country."

More than 200,000 active-duty service members leave the armed forces each year, and while most transition successfully, many struggle with mental health and substance use disorders, the effects of traumatic brain injury, homelessness, and criminality. Roughly one in three veterans report having been arrested and booked into jail at least once.

Veterans who become incarcerated lose access to health care from the Department of Veterans Affairs (VA), which prevents them from receiving the specialized treatment they need to address PTSD or other challenges. The suicide rate for veterans is approximately 1.5 times higher than the rate among the general population, and it's especially high for veterans leaving incarceration.

"Too often, we are prosecuting and imprisoning veterans whose criminal justice involvement is due, at least in part, to their service to our country," said Commission Director Jim Seward. "This law builds on the success of veterans treatment courts, giving former service members who become entangled in our justice system a second chance while also holding them accountable for their actions."

Seward added that the approach was adopted as model policy by the American Legislative Exchange Council (ALEC) last year, and that other states are expected to follow Nebraska's lead.

In addition to the policy framework that underpins the Nebraska law, the Commission has produced two sets of findings and recommendations related to arrest through sentencing and the transition from military service to civilian life. A third set, regarding incarceration and reentry, is due for release later this year.

CCJ launched the two-year Commission in August 2022 to assess the extent and nature of veterans' justice-system involvement, the adequacy of support for service members as they return home, and the effectiveness of the system response when veterans break the law. In addition to Hagel and Panetta, Commission members include a former Sergeant Major of the Marine Corps, the chief justice of the Georgia Supreme Court, two formerly incarcerated veterans, and other top military, veterans, and criminal justice leaders.

About the Council on Criminal Justice

The Council on Criminal Justice (CCJ) is a nonpartisan invitational membership organization and think tank that advances understanding of the criminal justice policy challenges facing the nation and builds consensus for solutions based on facts, evidence, and fundamental principles of justice.