

**NINETY-EIGHTH NATIONAL CONVENTION  
OF  
THE AMERICAN LEGION  
Cincinnati, Ohio  
August 30, 31, September 1, 2016**

**Resolution No. 253: Eliminate the Benefit Payment Loophole for Certain Incarcerated Veterans**

**Origin: Illinois**

**Submitted by: Convention Committee on Veterans Affairs & Rehabilitation**

WHEREAS, The American Legion is a national organization of veterans who have dedicated themselves to the service of the community, state and nation; and

WHEREAS, Veterans who are receiving Department of Veterans Affairs pension benefits have their benefits terminated on the 61st day of their imprisonment after conviction of a felony; and

WHEREAS, Veterans who are receiving compensation benefits have their benefits reduced on the 61st day of their imprisonment after conviction of a felony, to the 10% rate, or if at the 10% rate already then reduced to one-half of that rate; and

WHEREAS, A loophole exists in current laws to allow a veteran in receipt of pension or compensation benefits to continue to receive their checks while incarcerated if they committed a crime but found not guilty by reason of insanity or if they have served their sentence but civilly committed as a sexually violent person/predator; and

WHEREAS, These veterans may spend years in prison or at a treatment facility at taxpayer's expense, receive medical care, meals, clothing etc. and at the same time continue to receive VA benefits; and

WHEREAS, This group of incarcerated or civilly committed veterans are therefore unduly enriched; now, therefore, be it

**RESOLVED, By The American Legion in National Convention assembled in Cincinnati, Ohio, August 30, 31, September 1, 2016, That The American Legion shall support legislation to change the law and close this loophole and let the Department of Veterans Affairs terminate pension benefits, or reduce to 10% for those receiving service-connected compensation if the veteran is convicted of a crime but found not guilty by reason of insanity or civilly committed as a sexually violent person/predator and incarcerated.**