

ENGROSSED SENATE AMENDMENT
TO
ENGROSSED HOUSE BILL NO. 2310

By: Hefner and Thornbrugh of
the House

and

Easley of the Senate

An Act relating to mental health; amending 43A O.S.
1991, Section 5-203, which relates to
transportation of female patients; removing certain
requirements; modifying certain transportation
requirements; and declaring an emergency.

AMENDMENT NO. 1. Page 1, strike the title, enacting clause and
entire bill and insert

"An Act relating to mental health; amending 43A O.S. 1991,
Sections 5-203 and 5-101, which relate to conveyance of
female patients and mental health treatment of patients
with criminal charges pending; modifying certain conveyance
requirements; providing for admission of certain persons to
certain institutions; authorizing certain institution to
take certain steps for certain purpose; and declaring an
emergency.

BE IT ENACTED BY THE PEOPLE OF THE STATE OF OKLAHOMA:

SECTION 1. AMENDATORY 43A O.S. 1991, Section 5-203, is
amended to read as follows:

Section 5-203. Upon receiving an order from a district court to
convey a mentally ill, alcohol-dependent, or drug-dependent ~~woman~~
female to an institution, the sheriff of ~~said~~ such county shall
procure ~~some~~ a suitable ~~woman~~ female to assist in conveying ~~said~~
~~woman~~ the female to ~~said~~ the institution if the sheriff or deputy

who will be conveying the female is male. If a female attendant is not available, a male sheriff or male deputy may convey the mentally ill, alcohol-dependent or drug-dependent female without a female attendant if the sheriff or deputy conveying the female notifies the dispatcher of the specific mileage from the collection point to the destination point, the time of departure and the estimated time of arrival. The sheriff may procure such assistance, and certify the same to the county clerk as a part of the expense of so doing, and no bill for the expense of such conveyance shall be allowed by the commissioners of any county unless it is accompanied by a certificate of the superintendent of said institution, showing that such person has been duly conveyed to the institution by, or accompanied by a ~~woman~~ female attendant or as otherwise authorized by this section. Whenever a female patient is transferred from one institution to another within the Department or from an institution within the Department to another institution of like nature elsewhere, she must be accompanied by a female employee of the Department or a suitable relative of said female patient.

SECTION 2. AMENDATORY 43A O.S. 1991, Section 5-101, is amended to read as follows:

Section 5-101. A. Any person alleged to be mentally ill or alcohol- or drug-dependent to a degree which warrants institutional treatment or care, and who is not in confinement in a jail or an adult lock-up facility on a criminal charge~~7~~ and who has no criminal charges pending against him~~7~~ or her may be admitted to and confined in an institution within the Department of Mental Health and Substance Abuse Services, a state ~~psychopathic~~ psychiatric hospital, or a licensed private institution by compliance with any one of the following procedures:

- ~~(a)~~ 1. Emergency admission~~7~~;
- ~~(b)~~ 2. On voluntary application~~7~~; and
- ~~(c)~~ 3. On involuntary court certification.

~~Provided, however, any~~ B. Any person alleged to be mentally ill or alcohol- or drug-dependent to a degree which warrants institutional treatment or care and who has criminal charges pending against him or her but is not confined in a jail or an adult lock-up facility may be admitted to an institution within the Department, a state psychiatric hospital or a licensed private institution pursuant to the provisions of subsection A of this section; provided, the institution or hospital shall be authorized to take such reasonable steps as necessary to assure the protection of the public, the residents of the institution or hospital and the person, including but not limited to segregation and private facilities. Provided further, treatment received pursuant to this subsection shall not constitute a defense in any criminal proceeding except as otherwise provided by Title 22 of the Oklahoma Statutes.

C. Any person confined pursuant to a criminal charge ~~or who has a criminal charge pending against him~~ may be admitted to and confined pursuant to a court order issued in compliance with the provisions of Section 1175.6 of Title 22 of the Oklahoma Statutes.

No person shall be deprived of his or her liberty on the grounds that ~~he~~ such person is, or is supposed to be, mentally ill or in need of mental health treatment, except in accordance with the provisions of the Mental Health Law, Section 1-101 et seq. of this title.

SECTION 3. It being immediately necessary for the preservation of the public peace, health and safety, an emergency is hereby declared to exist, by reason whereof this act shall take effect and be in full force from and after its passage and approval."

Passed the Senate the 19th day of April, 1994.

President of the Senate

Passed the House of Representatives the ____ day of

_____, 1994.

Speaker of the House of
Representatives