

STATE OF OKLAHOMA

2nd Session of the 44th Legislature (1994)

HOUSE BILL NO. 2019

By: Hamilton (Jeff)

AS INTRODUCED

An Act relating to mental health; setting state policy regarding mentally ill persons; prohibiting certain mentally ill persons from being detained or confined to a correctional facility; providing procedures; requiring certain outpatient treatment; requiring development of certain strategy; providing for contents; requiring documentation of certain cooperative plans and procedures; requiring professionals to provide pro bono service; establishing certain mentally ill person evaluation committees; providing for membership; providing for codification; and providing an effective date.

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

SECTION 1. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 11-101 of Title 43A, unless there is created a duplication in numbering, reads as follows:

It is the policy of the State of Oklahoma that:

1. Persons with a mental illness who have not been charged with any crime shall not be detained in jails, prisons, or other criminal justice settings;

2. The development of a continuum of comprehensive community-based services and supports will prevent significant numbers of mentally ill individuals from coming into contact with the criminal justice system; and

3. Individuals with mental illnesses who commit misdemeanors or minor crimes which are a manifestation of their illness should receive treatment for their disorders instead of punishment.

SECTION 2. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 11-102 of Title 43A, unless there is created a duplication in numbering, reads as follows:

A. No person shall be detained or confined as a result of a mental illness in any jail, prison, or any other correctional facility, unless that person is under arrest for the commission of a crime.

B. Individuals with a mental illness who have not been formally charged by the criminal justice system but who are determined to require immediate emergency action shall be transported to appropriate inpatient or outpatient facilities for such treatment pursuant to Section 5-207 of Title 43A of the Oklahoma Statutes. Where appropriate, involuntary civil commitment procedures shall be initiated in accordance with Section 5-211 of Title 43A of the Oklahoma Statutes.

C. When appropriate, a person with a mental illness committed to a psychiatric treatment facility or program pursuant to subsection B of this section or who has been convicted of a misdemeanor or felony shall be required to participate in outpatient treatment as a condition for release from a correctional facility or psychiatric treatment facility or program. Procedures of outpatient commitment shall be established in accordance with existing constitutional and state standards protecting individual rights as well as in a manner most conducive to individuals obtaining timely and appropriate treatments.

SECTION 3. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 11-103 of Title 43A, unless there is created a duplication in numbering, reads as follows:

A. The Department of Mental Health and Substance Abuse Services shall develop a comprehensive strategy for preventing the incarceration of mentally ill individuals and for diverting such individuals away from criminal justice systems. This strategy shall be developed with the active participation of other agencies and providers providing services for persons with mental illnesses, including the Department of Corrections, the Department of Vocational Rehabilitation, representatives of community mental health centers and other community providers and the Department of Human Services.

B. The strategy should include, but not be limited to:

1. Identification of existing programs or creation of jail diversion programs to serve seriously mentally ill individuals who have been charged with misdemeanors or minor crimes which are a manifestation of their illness;

2. Systems for evaluating individuals charged with misdemeanors or minor crimes for serious mental illness within twenty-four (24) hours of contact with the criminal justice system and placing those individuals identified as mentally ill in appropriate community-based jail diversion programs on a timely basis;

3. Specific mechanisms for enabling police and correctional officers to communicate and consult on a timely basis with appropriate mental health personnel about specific cases;

4. Plans for conducting training, in conjunction with the Department of Corrections, of law enforcement and correctional personnel about mental illness and effective methods for evaluating, treating and managing individuals with these disorders;

5. Plans for training mental health professionals who participate in state-funded educational training programs to work

with mentally ill individuals in correctional facilities. A component of this training shall include, but not be limited to, on-site field experience in correctional facilities or jail diversion programs; and

6. Plans for providing comprehensive treatment, services and supports to all individuals with mental illnesses who have been incarcerated following their release from correctional facilities.

SECTION 4. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 11-104 of Title 43A, unless there is created a duplication in numbering, reads as follows:

A. As a condition for receipt of state mental health funding, community mental health centers and other public providers of comprehensive services to persons with mental illnesses shall document the existence of a cooperative plan with local jails, police departments and correctional authorities. This plan shall include, but not be limited to:

1. Procedures for timely referrals of mentally ill individuals to community-based jail diversion programs;

2. Commitment of resources for the provision of treatment and supports to mentally ill individuals in jails;

3. Procedures for referrals of individuals with mental illnesses to local providers of comprehensive mental health services following release from jails. These procedures must include mechanisms for developing comprehensive treatment plans in a timely fashion prior to the release of individuals with mental illnesses from correctional facilities; and

4. Commitment of financial resources to provide for the comprehensive treatment and services needs of individuals with mental illnesses who come into contact with correctional systems.

B. Community mental health centers that fail to participate in the development of these plans or to commit resources to serving

this population shall not be eligible for funding from the state mental health authority.

SECTION 5. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 11-105 of Title 43A, unless there is created a duplication in numbering, reads as follows:

All mental health professionals licensed in this state including, but not limited to, psychiatrists, psychologists, clinical social workers and nurses shall, as a requirement for professional licensure, contribute at least two (2) hours per week in the public mental health system. This requirement may be satisfied through compensated or pro bono service. For purposes of this clause, "public mental health system" includes all agencies receiving public funds for provision of mental health services as well as state correctional and local correctional facilities.

SECTION 6. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 11-106 of Title 43A, unless there is created a duplication in numbering, reads as follows:

For each jail in this state, there shall be created a standing mental illness committee to regularly plan and communicate about the needs of persons with serious mental illness who come into contact with correctional systems. These committees shall be comprised of a representative of the local jail, a representative of the local community mental health centers or alternative service provider, a representative from a local public psychiatric inpatient unit or facility, a representative of a local chapter of the National Alliance for the Mentally Ill (NAMI), and other advocates and representatives of the local mental health service delivery system who are deemed appropriate.

SECTION 7. This act shall become effective September 1, 1994.

