SHORT TITLE: Mental Health; emergency detention and protective custody; deleting requirements for certain petition and order; effective date; emergency.

STATE OF OKLAHOMA

2nd Session of the 45th Legislature (1996)

SENATE BILL NO. 942 By: Harrison

AS INTRODUCED

An Act relating to mental health; amending 43A O.S. 1991, Section 5-209, which relates to emergency detention and protective custody; deleting requirements related to district court order for protective custody; providing an effective date; and declaring an emergency.

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

SECTION 1. AMENDATORY 43A O.S. 1991, Section 5-209, is amended to read as follows:

Section 5-209. A. A copy of the statement of the licensed mental health professional and the petition with attached exhibits shall constitute authority for a facility to admit and detain the person in protective custody for a period not to exceed seventy-two (72) hours~~, excluding days when the district court is not officially in session~~.

B. ~~A person may be detained more than seventy-two (72) hours only if the facility is presented with a copy of an order of the district court authorizing additional detention. Such order may be entered by the court only after a petition has been filed seeking involuntary commitment or treatment pursuant to the provisions of Section 6 of this act.~~

~~C. A petition filed pursuant to this act shall be verified and shall contain a statement that there is probable cause to detain the~~

~~person alleged to be a person requiring treatment, an alcohol-dependent person, or a drug-dependent person for his safety or the safety of others in an appropriate facility for detention, prior to a hearing on the petition. The petition shall be filed on the same day as the date of emergency detention and examination or, if the office of the court clerk is not open for business that day, as soon thereafter as the office of the court clerk is open for business.~~

~~D. If a copy of an order for additional detention is not delivered to the facility by the end of the period of emergency detention, the person alleged to be a person requiring treatment, an alcohol-dependent person, or a drug-dependent person shall be discharged from the facility in which detained unless said person has applied for voluntary treatment.~~

~~E.~~ The patient being held in protective custody shall be asked to designate any person whom ~~he~~ the patient wishes informed regarding ~~his~~ such patient's detention. If ~~he~~ the patient is incapable of making such designation, the administrator of the hospital or facility where the person is being held in protective custody shall notify, within twenty-four (24) hours of taking the person into protective custody, other than the person initiating the request for protective custody, the attorney, parent, spouse, guardian, brother, sister, or child who is at least eighteen (18) years of age of the person. If none of the persons designated for notification in this paragraph can be located, the administrator of the facility shall notify the sheriff of the county where the person was taken into protective custody. The sheriff shall notify one of the persons required to be notified as provided in this subsection. Failure of the sheriff to find such person shall within a reasonable time be reported to the administrator of the facility. Such fact shall be made a part of the records of the facility for the person being detained.

SECTION 2. This act shall become effective July 1, 1996.

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.

45-2-2077 CJ