

SHORT TITLE: Mental health; venue; clarifying reference; effective date.

STATE OF OKLAHOMA

1st Session of the 46th Legislature (1997)

SENATE BILL NO. 383

By: Taylor

AS INTRODUCED

An Act relating to mental health; amending 43A O.S. 1991, Section 1-107, as amended by Section 1, Chapter 207, O.S.L. 1994 (43A O.S. Supp. 1996, Section 1-107), which relates to venue of hearings; clarifying statutory reference; and providing an effective date.

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

SECTION 1. AMENDATORY 43A O.S. 1991, Section 1-107, as amended by Section 1, Chapter 207, O.S.L. 1994 (43A O.S. Supp. 1996, Section 1-107), is amended to read as follows:

Section 1-107. A. Hearings required by the Mental Health Law, Section 1-101 et seq. of this title, for emergency detention or involuntary commitment of a person may be held within the mental health facility in which the person is being detained or is to be committed whenever the judge deems such venue would be in the best interest of the patient.

Such hearings shall be conducted by any judge designated by the presiding judge of the judicial district in which the mental health facility is located. Hearings may be held in an area of the hospital designated by the Commissioner of Mental Health and Substance Abuse Services and agreed upon by the presiding judge of that judicial district.

B. The Department of Mental Health and Substance Abuse Services, if funds become available, or any board of county commissioners within the judicial district in which a mental health facility is located may purchase or otherwise provide for the operation, maintenance and equipping of a video teleconferencing system in the mental health facility for conducting any nonjury hearings pursuant to this section or such other uses determined necessary by the board of county commissioners.

C. The court may conduct any nonjury hearing required or authorized pursuant to the provisions of the Mental Health Law for detained or confined persons, at the discretion of the judge, by video teleconferencing after advising the person subject to possible detention or commitment of his or her constitutional rights. If the video teleconferencing hearing is conducted, the image of the detainee or person subject to commitment may be broadcast by closed-circuit television to the judge. A closed-circuit television system shall provide for two-way communications including image and sound between the detainee or person to be committed and the judge.

D. The provisions for criminal venue as provided otherwise by law shall not be applicable to proceedings encompassed by commitment statutes referred to in the Mental Health Law which are deemed civil in nature.

E. Unless otherwise provided by law, the rules of civil procedure shall apply to all judicial proceedings provided for in the Mental Health Law, including, but not limited to, the rules concerning vacation of orders and appellate review.

SECTION 2. This act shall become effective November 1, 1997.

46-1-0018

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