

ENROLLED SENATE
BILL NO. 1598

By: Cain of the Senate

and

Winchester of the House

An Act relating to mental health; amending 43A O.S. 2001, Section 5-410, as amended by Section 37, Chapter 488, O.S.L. 2002 (43A O.S. Supp. 2003, Section 5-410), which relates to petition regarding a person requiring treatment; allowing conduct of certain hearings under specified circumstances; and declaring an emergency.

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

SECTION 1. AMENDATORY 43A O.S. 2001, Section 5-410, as amended by Section 37, Chapter 488, O.S.L. 2002 (43A O.S. Supp. 2003, Section 5-410), is amended to read as follows:

Section 5-410. A. The following persons may file or request the district attorney to file a petition with the district court, upon which is hereby conferred jurisdiction, to determine whether an individual has a mental illness and is a person requiring treatment, and to order the least restrictive appropriate treatment for the person:

1. The father, mother, husband, wife, brother, sister, guardian or child, over the age of eighteen (18) years, of an individual alleged to have a mental illness and to be a person requiring treatment;

2. A licensed mental health professional;

3. The executive director of a facility designated by the Commissioner of Mental Health and Substance Abuse Services as appropriate for emergency detention ~~or an~~;

4. An administrator of a hospital that is approved by the Joint Commission on Accreditation of Healthcare Organizations; provided, however, in any involuntary commitment procedure in which a hospital is the petitioner pursuant to the provisions of this section, the hospital may participate in such hearing without retaining their own legal counsel if the hospital provides as a witness a mental health therapist or a licensed mental health professional;

~~4.~~ 5. A person in charge of any correctional institution;

~~5.~~ 6. Any peace officer within the county in which the individual alleged to have a mental illness and to be a person requiring treatment resides or may be found; or

~~6.~~ 7. The district attorney in whose district the person resides or may be found.

B. The petition shall contain a statement of the facts upon which the allegation is based and, if known, the names and addresses of any witnesses to the alleged facts.

1. The petition shall be verified and made under penalty of perjury.

2. A request for the prehearing detention of the individual alleged to have a mental illness and to be a person requiring treatment may be attached to the petition.

3. If the individual alleged to have a mental illness and to be a person requiring treatment is being held in emergency detention, a copy of the certificate of evaluation shall be attached to the petition.

C. The inpatient mental health treatment of minors shall be pursuant to the provisions of the Inpatient Mental Health Treatment of Minors Act.

SECTION 2. 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 26th day of April, 2004.

Presiding Officer of the Senate

Passed the House of Representatives the 6th day of April, 2004.

Presiding Officer of the House
of Representatives