

SB 1598

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THE STATE SENATE
Monday, February 23, 2004

Senate Bill No. 1598

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;

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

4 4. An administrator of a hospital that is approved by the Joint
5 Commission on Accreditation of Healthcare Organizations; provided,
6 however, in a hearing in which a hospital is the petitioner, the
7 hospital may conduct such hearing without retaining legal council if
8 the hospital provides as a witness a mental health therapist or a
9 licensed mental health professional;

10 ~~4.~~ 5. A person in charge of any correctional institution;

11 ~~5.~~ 6. Any peace officer within the county in which the
12 individual alleged to have a mental illness and to be a person
13 requiring treatment resides or may be found; or

14 ~~6.~~ 7. The district attorney in whose district the person
15 resides or may be found.

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

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

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

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

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

8 SECTION 2. It being immediately necessary for the preservation
9 of the public peace, health and safety, an emergency is hereby
10 declared to exist, by reason whereof this act shall take effect and
11 be in full force from and after its passage and approval.

12 COMMITTEE REPORT BY: COMMITTEE ON JUDICIARY, dated 2-17-04 - DO
13 PASS, As Coauthored.