

1 ENGROSSED HOUSE AMENDMENT
TO
2 ENGROSSED SENATE BILL NO. 909

By: Crain of the Senate

3 and

4 Blackwell and Roan of the
5 House

6

7

8 (Forensic Review Board - Commissioner -

9 effective date)

10

11

12

13 AMENDMENT NO. 1. Strike the stricken title, enacting clause and
14 entire bill and insert

15 "(costs of incarceration - Forensic Review Board -

16 Commissioner -

17 effective date)

18

19

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

21 SECTION 1. AMENDATORY 22 O.S. 2001, Section 979a, as

22 last amended by Section 2, Chapter 470, O.S.L. 2005 (22 O.S. Supp.

23 2006, Section 979a), is amended to read as follows:

24

1 Section 979a. A. The court shall require a person who is
2 actually received into custody at a jail facility or who is confined
3 in a city or county jail or holding facility, for any offense, to
4 pay the jail facility or holding facility the costs of
5 incarceration, both before and after conviction, upon conviction or
6 receiving a deferred sentence. The costs of incarceration shall be
7 collected by the clerk of the court as provided for collection of
8 other costs and fines, which shall be subject to review under the
9 procedures set forth in Section VIII of the Rules of the Oklahoma
10 Court of Criminal Appeals, Chapter 18, Appendix of Title 22 of the
11 Oklahoma Statutes. Costs of incarceration shall include booking,
12 receiving and processing out, housing, food, clothing, medical care,
13 dental care, and psychiatric services. The costs for incarceration
14 shall be an amount equal to the actual cost of the services and
15 shall be determined by the chief of police for city jails and
16 holding facilities, by the county sheriff for county jails or by
17 contract amount, if applicable. In the event a person requires
18 emergency medical treatment for an injury or condition that
19 threatens life or threatens the loss or use of a limb prior to being
20 actually received into the custody of any jail facility, the
21 provisions of Section 533 of Title 21 of the Oklahoma Statutes shall
22 apply to taking custody, medical care and cost responsibility. The
23 cost of incarceration shall be paid by the court clerk, when
24 collected, to the municipality, holding facility, county or other

1 public entity responsible for the operation of such facility where
2 the person was held at any time. Except for medical costs, ten
3 percent (10%) of any amount collected by the court clerk shall be
4 paid to the municipal attorney's or district attorney's office, and
5 the remaining amount shall be paid to the municipality, the
6 sheriff's service fee account or, if the sheriff does not operate
7 the jail facility, the remaining amount shall be deposited with the
8 public entity responsible for the operation of the jail facility
9 where the person was held at any time. The court shall order the
10 defendant to reimburse all actual costs of incarceration, upon
11 conviction or upon entry of a deferred judgment and sentence unless
12 the defendant is a mentally ill person as defined by Section 1-103
13 of Title 43A of the Oklahoma Statutes. The sheriff shall give
14 notice to the defendant of the actual costs owed before any court-
15 ordered costs are collected. The defendant shall have an
16 opportunity to object to the amount of costs solely on the grounds
17 that the number of days served is incorrect. If no objection is
18 made, the costs may be collected in the amount stated in the notice
19 to the defendant. The sheriff, municipality or other public entity
20 responsible for the operation of the jail may collect costs of
21 incarceration ordered by the court from the jail account of the
22 inmate. If the funds collected from the jail account of the inmate
23 are insufficient to satisfy the actual incarceration costs ordered
24 by the court, the sheriff, municipality or other public entity

1 responsible for the operation of the jail is authorized to collect
2 the remaining balance of the incarceration costs by civil action.
3 When the sheriff, municipality or other public entity responsible
4 for the operation of the jail collects any court-ordered
5 incarceration costs from the jail account of the inmate or by
6 criminal or civil action, the court clerk shall be notified of the
7 amount collected.

8 B. Except as may otherwise be provided in Section 533 of Title
9 21 of the Oklahoma Statutes, any offender receiving routine or
10 emergency medical services or medications or injured during the
11 commission of a felony or misdemeanor offense and administered any
12 medical care shall be required to reimburse the sheriff,
13 municipality or other public entity responsible for the operation of
14 the jail, the full amount paid by the sheriff, municipality or other
15 public entity responsible for the operation of the jail for any
16 medical care or treatment administered to such offender during any
17 period of incarceration or when the person was actually received
18 into custody for any reason in that jail facility. The sheriff,
19 municipality or other public entity responsible for the operation of
20 the jail may deduct the costs of medical care and treatment as
21 authorized by Section 531 of Title 19 of the Oklahoma Statutes. If
22 the funds collected from the jail account of the inmate are
23 insufficient to satisfy the actual medical costs paid, the sheriff,
24 municipality or other public entity responsible for the operation of

1 the jail shall be authorized to collect the remaining balance of the
2 medical care and treatment by civil actions.

3 C. Costs of incarceration shall be a debt of the inmate owed to
4 the municipality, county, or other public entity responsible for the
5 operation of the jail and may be collected as provided by law for
6 collection of any other civil debt or criminal penalty.

7 D. The court shall not waive the costs of incarceration in its
8 entirety. However, if the court determines that a reduction in the
9 fine, costs and costs of incarceration is warranted, the court shall
10 equally apply the same percentage reduction to the fine, costs and
11 costs of incarceration owed by the defendant.

12 SECTION 2. AMENDATORY 22 O.S. 2001, Section 1161, as
13 amended by Section 1, Chapter 188, O.S.L. 2004 (22 O.S. Supp. 2006,
14 Section 1161), is amended to read as follows:

15 Section 1161. A. 1. An act committed by a person in a state
16 of insanity cannot be punished as a public offense, nor can the
17 person be tried, sentenced to punishment, or punished for a public
18 offense while such person is insane.

19 2. When in any criminal action by indictment or information the
20 defense of insanity is interposed either singly or in conjunction
21 with some other defense, the jury shall state in the verdict, if it
22 is one of acquittal, whether or not the defendant is acquitted on
23 the ground of insanity. When the defendant is acquitted on the
24 ground that the defendant was insane at the time of the commission

1 of the crime charged, the person shall not be discharged from
2 custody until the court has made a determination that the person is
3 not presently dangerous to the public peace and safety because the
4 person is a person requiring treatment as defined in Section 1-103
5 of Title 43A of the Oklahoma Statutes.

6 B. 1. To assist the court in its determination, the court
7 shall immediately issue an examination order and specify the state
8 hospital for the mentally ill in which the person is to be
9 hospitalized. Upon the issuance of the order, the sheriff shall
10 deliver the person to the designated hospital for the mentally ill
11 where the person shall remain hospitalized for a period of not less
12 than thirty (30) days.

13 2. Within forty-five (45) days of such hospitalization, a
14 hearing shall be conducted by the court to ascertain whether the
15 person is presently dangerous to the public peace or safety because
16 the person is a person requiring treatment as defined in Section 1-
17 103 of Title 43A of the Oklahoma Statutes or, if not, is in need of
18 continued supervision as a result of unresolved symptoms of mental
19 illness or a history of treatment noncompliance. During the
20 required period of hospitalization the Department of Mental Health
21 and Substance Abuse Services shall have the person examined by two
22 qualified psychiatrists or one such psychiatrist and one qualified
23 clinical psychologist whose training and experience enable the
24

1 professional to form expert opinions regarding mental illness,
2 competency, dangerousness and criminal responsibility.

3 C. 1. Each examiner shall, within thirty-five (35) days of
4 hospitalization, individually prepare and submit to the court, the
5 district attorney and the person's trial counsel a report of the
6 person's psychiatric examination findings and an evaluation
7 concerning whether the person is presently dangerous to the public
8 peace or safety.

9 2. If the court is dissatisfied with the reports or if a
10 disagreement on the issue of mental illness and dangerousness exists
11 between the two examiners, the court may designate one or more
12 additional examiners and have them submit their findings and
13 evaluations as specified in paragraph 1 of this subsection.

14 3. a. Within ten (10) days after the reports are filed, the
15 court must conduct a hearing to determine the
16 person's present condition as to the issue of whether:

17 (1) the person is presently dangerous to the public
18 peace or safety because the person is a person
19 requiring treatment as defined in Section 1-103
20 of Title 43A of the Oklahoma Statutes, or

21 (2) if not believed to be presently dangerous to the
22 public peace or safety, the person is in need of
23 continued supervision as a result of unresolved
24

1 symptoms of mental illness or a history of
2 treatment noncompliance.

3 b. The district attorney must establish the foregoing by
4 a preponderance of the evidence. At this hearing the
5 person shall have the assistance of counsel and may
6 present independent evidence.

7 D. 1. If the court finds that the person is not presently
8 dangerous to the public peace or safety because the person is a
9 person requiring treatment as defined in Section 1-103 of Title 43A
10 of the Oklahoma Statutes and is not in need of continued supervision
11 as a result of unresolved symptoms of mental illness or a history of
12 treatment noncompliance, it shall immediately discharge the person
13 from hospitalization.

14 2. If the court finds that the person is presently dangerous to
15 the public peace and safety, it shall commit the person to the
16 custody of the Department of Mental Health and Substance Abuse
17 Services. The person shall then be subject to discharge pursuant to
18 the procedure set forth in Title 43A of the Oklahoma Statutes.

19 E. If the court finds the person is not presently dangerous to
20 the public peace or safety because the person is a person requiring
21 treatment pursuant to the provisions of Section 1-103 of Title 43A
22 of the Oklahoma Statutes, but is in need of continued supervision as
23 a result of unresolved symptoms of mental illness or a history of
24 treatment noncompliance, the court may:

1 1. Discharge the person pursuant to the procedure set forth in
2 Title 43A of the Oklahoma Statutes;

3 2. Discharge the person, and upon the court's or the district
4 attorney's motion commence civil involuntary commitment proceedings
5 against the person pursuant to the provisions of Title 43A of the
6 Oklahoma Statutes; or

7 3. Order conditional release, as set forth in subsection ~~H~~ G of
8 this section.

9 F. There is hereby created a Forensic Review Board to be
10 composed of six (6) members appointed by the Governor with the
11 advice and consent of the Senate. The Board members shall serve for
12 a term of five (5) years, except for those first appointed to the
13 Board, who shall serve as follows: one shall serve for a term
14 ending December 31, 2008, one shall serve for a term ending December
15 31, 2009, one shall serve for a term ending December 31, 2010, and
16 one shall serve for a term ending December 31, 2011.

17 1. The membership of the Board shall be composed of:

18 a. three licensed mental health professionals with
19 experience in treating mental illness, at least one of
20 whom is licensed as a Doctor of Medicine, a Doctor of
21 Osteopathy, or a licensed clinical psychologist and
22 shall be appointed from a list of five names submitted
23 by the Department of Mental Health and Substance Abuse
24 Services,

1 b. one licensed forensic counselor shall be appointed
2 from a list of five names submitted by the Oklahoma
3 Association of Forensic Counselors,

4 c. one attorney licensed to practice in this state and
5 who shall be appointed from a list of not less than
6 three names submitted by the Board of Governors of the
7 Oklahoma Bar Association. Such member shall be
8 prohibited while serving on the Board from
9 representing in the courts of this state any person
10 charged with a felony offense, and

11 d. one at-large member.

12 2. The Board shall meet as necessary to determine which
13 individuals confined with the Department of Mental Health and
14 Substance Abuse Services are eligible for therapeutic visits,
15 conditional release or discharge and whether the Board chooses to
16 make such recommendations to the court of the county where such
17 individuals were found not guilty by reason of insanity.

18 3. Board meetings shall not be subject to the Oklahoma Open
19 Meeting Act. Other than Board members, only the following
20 individuals shall be permitted to attend Board meetings:

21 a. the individual the Board is considering for
22 therapeutic visits, conditional release or discharge,
23 his or her treatment advocate, and members of his or
24 her treatment team,

- 1 b. the Commissioner of Mental Health and Substance Abuse
2 Services or designee,
- 3 c. the Advocate General for the Department of Mental
4 Health and Substance Abuse Services or designee,
- 5 d. the Executive Director of the Oklahoma Forensic Center
6 or designee,
- 7 e. the General Counsel for the Department of Mental
8 Health and Substance Abuse Services or designee, and
- 9 f. any person the Board and the Commissioner of Mental
10 Health and Substance Abuse Services permit to be
11 present.

12 4. The Department of Mental Health and Substance Abuse Services
13 shall provide administrative staff to the Board and shall provide
14 transportation to Board meetings for individuals being reviewed at
15 such meetings. The Board shall promulgate rules concerning the
16 granting and structure of therapeutic visits, conditional release
17 and discharge.

18 5. For purposes of this subsection, "therapeutic visit" means a
19 supervised or unsupervised scheduled time period off campus which
20 provides for progressive tests of the consumer's ability to maintain
21 and demonstrate coping skills. The Department shall promulgate
22 rules concerning the granting and structure of these visits.

23 ~~2-~~ 6. During the period of hospitalization the Department of
24 Mental Health and Substance Abuse Services may administer or cause

1 to be administered to the person such psychiatric, medical or other
2 therapeutic treatment, ~~including but not limited to medication,~~
3 ~~therapeutic visits and counseling,~~ as in its judgment should be
4 administered.

5 a. ~~Therapeutic visits may occur if approved by a~~
6 ~~Department of Mental Health and Substance Abuse~~
7 ~~Services' Forensic Review Board and the Commissioner~~
8 ~~or designee.~~

9 7. The Forensic Review Board shall submit ~~its~~ any
10 recommendation for therapeutic visits, conditional release or
11 discharge to the court, and district attorney of the county where
12 the person was found not guilty by reason of insanity, the person's
13 trial counsel, the Department of Mental Health and Substance Abuse
14 Services and the person at least fourteen (14) days prior to the
15 scheduled visit. ~~b.~~ The district attorney may file an objection to
16 ~~the~~ a recommendation for a therapeutic visit within ten (10) days of
17 receipt of the notice. If an objection is filed, the therapeutic
18 visit is stayed until a hearing is held. The court shall hold a
19 hearing not less than ten (10) days following an objection to
20 determine whether the therapeutic visit is necessary for treatment,
21 and if necessary, the nature and extent of the visit.

22 ~~3.~~ 8. During the period of hospitalization the ~~Superintendent~~
23 Department of Mental Health and Substance Abuse Services shall
24 submit an annual report on the status of the person to the court,

1 the district attorney and the patient advocate general of the
2 Department of Mental Health and Substance Abuse Services. ~~Not less~~
3 ~~than twenty (20) days prior to the scheduled release of the person~~
4 ~~the Superintendent shall deliver a written notice of the proposed~~
5 ~~discharge to the court, the district attorney and the patient~~
6 ~~advocate general of the Department of Mental Health and Substance~~
7 ~~Abuse Services.~~

8 G. Upon motion by the district attorney a ~~subsequent hearing or~~
9 upon a recommendation for conditional release or discharge by the
10 Forensic Review Board, the court shall ~~be conducted by the court~~
11 conduct a hearing to ascertain if the person is presently dangerous
12 ~~to the public peace and safety because the person is~~ and a person
13 requiring treatment as defined in Section 1-103 of Title 43A of the
14 Oklahoma Statutes. This hearing shall be conducted under the same
15 procedure as the first hearing and must occur not less than ten (10)
16 days ~~before the scheduled release~~ following the motion or request of
17 the Board.

18 1. If the court determines that the person continues to be
19 presently dangerous to the public peace and safety because the
20 person is a person requiring treatment as defined in Section 1-103
21 of Title 43A of the Oklahoma Statutes, it shall order the return of
22 the person to the hospital for additional treatment.

23 ~~H. 1. Conditional~~ 2. If the court determines that the person
24 is not dangerous, subject to certain conditions, the court may

1 ~~conditionally release may be ordered for persons adjudicated not~~
2 ~~guilty by reason of insanity who are not believed to be presently~~
3 ~~dangerous to the public peace or safety.~~

4 ~~2. Upon an examiner's~~ the person subject to the following:

5 a. the Board has made a recommendation for conditional
6 release, including a written plan for outpatient
7 treatment, ~~including recommendations from the~~
8 ~~examiner, shall be filed with the court, district~~
9 ~~attorney, the person's trial counsel, and the person.~~
10 In and a list of recommendations for the court to
11 place as conditions on the release.

12 b. in its order of conditional release, the court shall
13 specify conditions of release and shall direct the
14 appropriate agencies or persons to submit annual
15 reports regarding the person's compliance with the
16 conditions of release and progress in treatment.

17 ~~3. To be eligible for conditional release, the~~

18 c. the person shall agree, in writing, that during the
19 period the person is granted conditional release and
20 is subject to the provisions thereof, there shall be
21 free transmission of all pertinent information,
22 including clinical information regarding the person,
23 among the Department of Mental Health and Substance
24 Abuse Services, the appropriate community mental

1 health centers and the appropriate district attorneys,
2 law enforcement and court personnel.

3 ~~4. Copies of the reports shall also be submitted to the~~
4 ~~district attorney, trial counsel for the person, the hospital~~
5 ~~superintendent where the release plan was initiated, and the person.~~

6 ~~5. The~~

7 d. the court's order placing the person on conditional
8 release shall include notice that the person's
9 conditional release may be revoked upon good cause.

10 The person placed on conditional release shall remain
11 under the supervision of the Department of Mental
12 Health and Substance Abuse Services until the
13 committing court enters a final discharge order.

14 ~~6. a. Any~~

15 e. any agency or individual involved in providing
16 treatment with regard to the person's conditional
17 release plan may prepare and file an affidavit under
18 oath if the agency or individual believes that the
19 person has failed to comply with the conditions of
20 release or that such person has progressed to the
21 point that inpatient care is appropriate.

22 ~~b. Any~~

23 (1) any peace officer who receives such an affidavit
24 shall take the person into protective custody and

1 return the person to the forensic unit of the
2 state hospital.

3 e. ~~Hearing~~

4 (2) a hearing shall be conducted within three (3)
5 days, excluding holidays and weekends, after the
6 person is returned to the forensic unit of the
7 state hospital to determine if the person has
8 violated the conditions of release, or if full-
9 time hospitalization is the least restrictive
10 alternative consistent with the person's needs
11 and the need for public safety. Notice of the
12 hearing shall be issued, at least twenty-four
13 (24) hours before the hearing, to the hospital
14 superintendent, the person, trial counsel for the
15 person, and the patient advocate general of the
16 Department of Mental Health and Substance Abuse
17 Services. If the person requires hospitalization
18 because of a violation of the conditions of
19 release or because of progression to the point
20 that inpatient care is appropriate, the court may
21 then modify the conditions of release.

22 ~~I. Additional hearings may be conducted upon motion by the~~
23 ~~district attorney under the same provisions as described in this~~
24 ~~section.~~

1 3. If the court determines that the person is not presently
2 dangerous to the public peace or safety because the person is a
3 person requiring treatment, it shall order that the person be
4 discharged from the custody of the Department of Mental Health and
5 Substance Abuse Services.

6 SECTION 3. AMENDATORY 43A O.S. 2001, Section 2-202, as
7 last amended by Section 8, Chapter 150, O.S.L. 2005 (43A O.S. Supp.
8 2006, Section 2-202), is amended to read as follows:

9 Section 2-202. A. Except as herein provided, the Commissioner
10 of Mental Health and Substance Abuse Services shall have charge of
11 the administration of the Department of Mental Health and Substance
12 Abuse Services as directed by the Board of Mental Health and
13 Substance Abuse Services and shall be charged with the duty of
14 carrying out the provisions of the Mental Health Law.

15 B. The Commissioner may appoint necessary personnel to carry on
16 the work of the Department, prescribe their titles and duties, and
17 fix their compensation.

18 C. The Commissioner may prescribe policies for the operation of
19 the Department. The Commissioner shall have the following
20 additional powers and duties:

21 1. To appoint, with the consent of the Board, an executive
22 director of each facility within the Department, and fix the
23 qualifications, duties and compensation of the executive directors;
24 to counsel with the various executive directors about facility needs

1 and budget requests; and to prepare and submit for appropriate
2 legislative action budget requests sufficient to carry on the
3 functions of the Department. These budget requests shall be
4 submitted to the Board for its recommendations before being
5 submitted for legislative action;

6 2. To develop, institute and administer such administrative and
7 professional policies as may be necessary to guarantee effective,
8 efficient and uniform operation of the Department and its
9 facilities;

10 3. To prescribe uniform reports to be made by the executive
11 directors of the facilities and designate forms to be used;

12 4. After conference with the executive director of each
13 facility, determine the number of employees to be appointed and fix
14 their respective titles, salaries, and wages which shall be as
15 uniform as possible for comparable service;

16 5. To aid, assist and cooperate with the State Department of
17 Health, institutions of higher learning, public schools, and others
18 interested in public education regarding the issue of mental hygiene
19 in the establishment of a sound mental health program in the State
20 of Oklahoma;

21 6. To visit each facility in the Department at least once each
22 calendar year. During such visits, the Commissioner shall have
23 access to any or all facilities and records and shall have the
24

1 privilege of interviewing all personnel and consumers within the
2 facility. The purpose of the visits to the facility shall be:

- 3 a. to review and evaluate the professional and
4 administrative activity of such facilities,
- 5 b. to ensure compliance with medical and administrative
6 policies and procedures established by the Department,
- 7 c. to modify and revise existing operating procedure to
8 improve operational effectiveness,
- 9 d. to institute new policies and procedures to effect
10 improvement and economy of overall operation, and
- 11 e. to coordinate the activities of each facility with the
12 overall operation of the Department;

13 7. To authorize other members of the Department to visit the
14 facilities in the Department. These persons shall have the same
15 power to inspect the facility and its records and to interview
16 personnel and consumers as the Commissioner;

17 8. To designate the type of consumer that will be cared for at
18 each facility and designate hospital or community mental health
19 center districts for the purpose of determining to which of the
20 facilities within the Department or community mental health centers
21 persons committed from each county shall initially be sent. These
22 designations may be changed from time to time.

- 1 a. The Commissioner or a designee of the Commissioner may
2 establish specific hours for consumer admissions at
3 each facility.
- 4 b. The Commissioner or a designee of the Commissioner may
5 delay inpatient admissions when such admissions would
6 cause facilities to exceed their authorized capacity.
- 7 c. Consumers may be transferred from one facility to
8 another within the Department on the authority of the
9 Commissioner as provided for in the Mental Health Law.
- 10 d. Permanent transfer of a consumer may be made when it
11 is apparent that the general welfare, care, and
12 treatment of the consumer can be more effectively
13 provided at another facility, provided the parents or
14 guardian are notified as soon as possible of the
15 transfer.
- 16 e. Temporary transfer of a consumer may be made in order
17 that a consumer may have the advantage of special
18 services not available at the facility of the present
19 residence of the consumer.
- 20 f. Requests for transfer shall be initiated by the
21 executive director of the facility in which the
22 consumer resides.
- 23 g. Sufficient supporting information from the records of
24 the consumer shall be submitted by the executive

1 director to the Commissioner to warrant a decision as
2 to the advisability of the transfer;

3 9. To call meetings of the executive directors of the
4 facilities in the Department, and act as chair of such meetings, to
5 discuss common problems in order to obtain uniformity and bring
6 about coordination of the facilities for the maximum service to the
7 state. Called meetings may or may not be held jointly with the
8 Board;

9 10. To be the chair of a Board of Psychiatric Examiners to
10 review the case of any consumer, and to examine any consumer when
11 the executive director of any facility concludes that a consumer
12 within such facility is subject to discharge but such executive
13 director is unwilling to discharge the consumer as provided in the
14 Mental Health Law.

15 a. The Board of Psychiatric Examiners shall be composed
16 of the Commissioner and two members selected by the
17 Board. Members of the Board of Psychiatric Examiners
18 shall be selected from persons who are qualified
19 examiners according to the Mental Health Law.

20 b. The Commissioner may designate a third qualified
21 examiner to act as chair when circumstances warrant
22 and when the Commissioner deems it necessary;

23 11. To keep a list of all nonresidents admitted to a facility
24 within the Department and to make every effort possible to make

1 arrangements with other states so that mentally ill persons who are
2 being cared for at public expense in any facility in this state and
3 who are citizens or residents of such other states may be
4 transferred at the expense of this state to similar facilities in
5 such other states.

6 a. The Commissioner shall not prevail upon relatives or
7 friends of such mentally ill person or any other
8 person to defray transfer expenses.

9 b. Mentally ill persons who are being cared for at public
10 expense in hospitals for mentally ill or facilities of
11 other states, other than persons who have been
12 transferred from penal institutions and the terms of
13 whose sentences to such penal institutions shall not
14 have expired, and who are citizens or residents of
15 this state, may be transferred at the expense of such
16 other states to similar facilities in this state.

17 c. Removal of a nonresident to the nonresident's state
18 may be authorized by the Commissioner and all expenses
19 of such transfer shall be taken from the Travel Fund
20 of the facility if the transfer is to be at public
21 expense.

22 d. Consumers returned to this state pursuant to these
23 provisions shall be delivered directly to the hospital
24

1 designated by the Commissioner and shall be admitted
2 in accordance with these provisions;

3 12. To prescribe the official forms of any and all papers not
4 specifically described in the Mental Health Law including those to
5 be used in ordering a person to a facility within the Department,
6 except that when a person is ordered to a facility by a court, the
7 order to hospitalize or admit such person may be on such form as the
8 court deems proper;

9 13. To utilize the services of employees of the Department of
10 Central Services, the State Department of Health, and the Department
11 of Human Services when authorized by the director or commissioner
12 thereof. When employees of those agencies are used, the
13 Commissioner of Mental Health and Substance Abuse Services may
14 authorize payment of their traveling expenses as provided by law;

15 14. To make contracts and agreements with other departments of
16 this state to carry out these provisions;

17 15. To make a written report annually to the Governor
18 concerning the administration of the Department and submit copies
19 thereof to members of the Legislature. The report shall be
20 presented one (1) month prior to the convening of any regular
21 session of the Legislature and shall include:

- 22 a. specific information regarding the number of consumers
23 admitted, treated, and discharged,
24

- 1 b. the methods of treatment used and an appraisal of the
2 success thereof,
3 c. the financial condition and needs of each facility in
4 the Department,
5 d. any long-range plans or recommendations for the
6 utilization and improvement of facilities, equipment,
7 and personnel and for the care and treatment of
8 consumers,
9 e. any recommendations requiring legislation, and
10 f. major findings, in summarized form, obtained by visits
11 made pursuant to the provisions of paragraph 6 of this
12 section;

13 16. To designate as peace officers qualified personnel in the
14 fire and safety officer, security officer and correctional officer
15 job classifications.

- 16 a. The authority of designated employees shall be limited
17 to:
18 (1) maintaining custody of consumers in facilities,
19 (2) maintaining security or performing functions
20 similar to those performed by correctional
21 officers or other security personnel for
22 Department of Corrections inmates housed in
23 mental health facilities,
24 (3) preventing attempted escapes, and

1 (4) pursuing and returning court committed consumers
2 and Department of Corrections inmates who have
3 escaped from Department facilities.

4 b. The powers and duties of peace officers may be
5 exercised for the purpose of maintaining custody of
6 any consumer being transported within the state and
7 outside the State of Oklahoma pursuant to the
8 authority of the Interstate Compact on Mental Health.

9 c. To become qualified for designation as a peace officer
10 pursuant to this section, an employee shall meet the
11 training and screening requirements of the Department
12 of Corrections pursuant to subparagraphs a through g
13 of paragraph 2 of subsection A of Section 510 of Title
14 57 of the Oklahoma Statutes and be of good moral
15 character; and

16 ~~17. To establish a Forensics Review Board to annually review~~
17 ~~the case of every consumer ordered to the custody of the Department~~
18 ~~through a "not guilty by reason of insanity" verdict. The Forensics~~
19 ~~Review Board shall be composed of three (3) licensed mental health~~
20 ~~professionals, at least one of whom is licensed as a Doctor of~~
21 ~~Medicine, a Doctor of Osteopathy, or a licensed clinical~~
22 ~~psychologist, who shall be selected by the Commissioner; and~~

23 ~~18.~~ Any other power necessary to implement the provisions of
24 the Mental Health Law.

