

THE HOUSE OF REPRESENTATIVES  
Tuesday, April 10, 2007

Committee Substitute for  
ENGROSSED  
Senate Bill No. 909

COMMITTEE SUBSTITUTE FOR ENGROSSED SENATE BILL NO. 909 - By: CRAIN  
of the Senate and BLACKWELL AND ROAN of the House.

( costs of incarceration - Forensic Review Board – Commissioner -  
effective date )

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

1 SECTION 1. AMENDATORY 22 O.S. 2001, Section 979a, as last amended by  
2 Section 2, Chapter 470, O.S.L. 2005 (22 O.S. Supp. 2006, Section 979a), is amended to  
3 read as follows:  
4 Section 979a. A. The court shall require a person who is actually received into  
5 custody at a jail facility or who is confined in a city or county jail or holding facility, for  
6 any offense, to pay the jail facility or holding facility the costs of incarceration, both  
7 before and after conviction, upon conviction or receiving a deferred sentence. The costs of  
8 incarceration shall be collected by the clerk of the court as provided for collection of other  
9 costs and fines, which shall be subject to review under the procedures set forth in Section  
10 VIII of the Rules of the Oklahoma Court of Criminal Appeals, Chapter 18, Appendix of  
11 Title 22 of the Oklahoma Statutes. Costs of incarceration shall include booking,

1 receiving and processing out, housing, food, clothing, medical care, dental care, and  
2 psychiatric services. The costs for incarceration shall be an amount equal to the actual  
3 cost of the services and shall be determined by the chief of police for city jails and holding  
4 facilities, by the county sheriff for county jails or by contract amount, if applicable. In  
5 the event a person requires emergency medical treatment for an injury or condition that  
6 threatens life or threatens the loss or use of a limb prior to being actually received into  
7 the custody of any jail facility, the provisions of Section 533 of Title 21 of the Oklahoma  
8 Statutes shall apply to taking custody, medical care and cost responsibility. The cost of  
9 incarceration shall be paid by the court clerk, when collected, to the municipality, holding  
10 facility, county or other public entity responsible for the operation of such facility where  
11 the person was held at any time. Except for medical costs, ten percent (10%) of any  
12 amount collected by the court clerk shall be paid to the municipal attorney's or district  
13 attorney's office, and the remaining amount shall be paid to the municipality, the  
14 sheriff's service fee account or, if the sheriff does not operate the jail facility, the  
15 remaining amount shall be deposited with the public entity responsible for the operation  
16 of the jail facility where the person was held at any time. The court shall order the  
17 defendant to reimburse all actual costs of incarceration, upon conviction or upon entry of  
18 a deferred judgment and sentence unless the defendant is a mentally ill person as  
19 defined by Section 1-103 of Title 43A of the Oklahoma Statutes. The sheriff shall give  
20 notice to the defendant of the actual costs owed before any court-ordered costs are  
21 collected. The defendant shall have an opportunity to object to the amount of costs solely  
22 on the grounds that the number of days served is incorrect. If no objection is made, the

1 costs may be collected in the amount stated in the notice to the defendant. The sheriff,  
2 municipality or other public entity responsible for the operation of the jail may collect  
3 costs of incarceration ordered by the court from the jail account of the inmate. If the  
4 funds collected from the jail account of the inmate are insufficient to satisfy the actual  
5 incarceration costs ordered by the court, the sheriff, municipality or other public entity  
6 responsible for the operation of the jail is authorized to collect the remaining balance of  
7 the incarceration costs by civil action. When the sheriff, municipality or other public  
8 entity responsible for the operation of the jail collects any court-ordered incarceration  
9 costs from the jail account of the inmate or by criminal or civil action, the court clerk  
10 shall be notified of the amount collected.

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

1 municipality or other public entity responsible for the operation of the jail shall be  
2 authorized to collect the remaining balance of the medical care and treatment by civil  
3 actions.

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

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

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

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

17 2. When in any criminal action by indictment or information the defense of insanity  
18 is interposed either singly or in conjunction with some other defense, the jury shall state  
19 in the verdict, if it is one of acquittal, whether or not the defendant is acquitted on the  
20 ground of insanity. When the defendant is acquitted on the ground that the defendant  
21 was insane at the time of the commission of the crime charged, the person shall not be  
22 discharged from custody until the court has made a determination that the person is not

1 presently dangerous to the public peace and safety because the person is a person  
2 requiring treatment as defined in Section 1-103 of Title 43A of the Oklahoma Statutes.

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

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

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

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

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

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

11                   (2)    if not believed to be presently dangerous to the public peace or  
12                   safety, the person is in need of continued supervision as a result  
13                   of unresolved symptoms of mental illness or a history of  
14                   treatment noncompliance.

15           b.     The district attorney must establish the foregoing by a preponderance  
16                   of the evidence. At this hearing the person shall have the assistance of  
17                   counsel and may present independent evidence.

18           D. 1. If the court finds that the person is not presently dangerous to the public  
19 peace or safety because the person is a person requiring treatment as defined in Section  
20 1-103 of Title 43A of the Oklahoma Statutes and is not in need of continued supervision  
21 as a result of unresolved symptoms of mental illness or a history of treatment  
22 noncompliance, it shall immediately discharge the person from hospitalization.

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

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

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

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

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

16           F. There is hereby created a Forensic Review Board to be composed of six (6)  
17 members appointed by the Governor with the advice and consent of the Senate. The  
18 Board members shall serve for a term of five (5) years, except for those first appointed to  
19 the Board, who shall serve as follows: one shall serve for a term ending December 31,  
20 2008, one shall serve for a term ending December 31, 2009, one shall serve for a term  
21 ending December 31, 2010, and one shall serve for a term ending December 31, 2011.

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

- 1           a.    three licensed mental health professionals with experience in treating  
2                    mental illness, at least one of whom is licensed as a Doctor of Medicine,  
3                    a Doctor of Osteopathy, or a licensed clinical psychologist and shall be  
4                    appointed from a list of five names submitted by the Department of  
5                    Mental Health and Substance Abuse Services,
- 6           b.    one licensed forensic counselor shall be appointed from a list of five  
7                    names submitted by the Oklahoma Association of Forensic Counselors,
- 8           c.    one attorney licensed to practice in this state and who shall be  
9                    appointed from a list of not less than three names submitted by the  
10                  Board of Governors of the Oklahoma Bar Association. Such member  
11                  shall be prohibited while serving on the Board from representing in the  
12                  courts of this state any person charged with a felony offense, and
- 13           d.    one at-large member.

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

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

- 1           a.     the individual the Board is considering for therapeutic visits,  
2                     conditional release or discharge, his or her treatment advocate, and  
3                     members of his or her treatment team.
- 4           b.     the Commissioner of Mental Health and Substance Abuse Services or  
5                     designee,
- 6           c.     the Advocate General for the Department of Mental Health and  
7                     Substance Abuse Services or designee,
- 8           d.     the Executive Director of the Oklahoma Forensic Center or designee,
- 9           e.     the General Counsel for the Department of Mental Health and  
10                    Substance Abuse Services or designee, and
- 11          f.     any person the Board and the Commissioner of Mental Health and  
12                    Substance Abuse Services permit to be present.

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

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

1           ~~2.~~ 6. During the period of hospitalization the Department of Mental Health and  
2 Substance Abuse Services may administer or cause to be administered to the person such  
3 psychiatric, medical or other therapeutic treatment, ~~including but not limited to~~  
4 ~~medication, therapeutic visits and counseling,~~ as in its judgment should be administered.

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

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

18           ~~3.~~ 8. During the period of hospitalization the ~~Superintendent~~ Department of Mental  
19 Health and Substance Abuse Services shall submit an annual report on the status of the  
20 person to the court, the district attorney and the patient advocate general of the  
21 Department of Mental Health and Substance Abuse Services. ~~Not less than twenty (20)~~  
22 ~~days prior to the scheduled release of the person the Superintendent shall deliver a~~

1 ~~written notice of the proposed discharge to the court, the district attorney and the patient~~  
2 ~~advocate general of the Department of Mental Health and Substance Abuse Services.~~

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

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

15 ~~H. 1. Conditional~~ 2. If the court determines that the person is not dangerous,  
16 subject to certain conditions, the court may conditionally release ~~may be ordered for~~  
17 ~~persons adjudicated not guilty by reason of insanity who are not believed to be presently~~  
18 ~~dangerous to the public peace or safety.~~

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

- 20 a. the Board has made a recommendation for conditional release,  
21 including a written plan for outpatient treatment, ~~including~~  
22 ~~recommendations from the examiner, shall be filed with the court,~~

1 district attorney, the person's trial counsel, and the person. In and a  
2 list of recommendations for the court to place as conditions on the  
3 release.

4 b. in its order of conditional release, the court shall specify conditions of  
5 release and shall direct the appropriate agencies or persons to submit  
6 annual reports regarding the person's compliance with the conditions  
7 of release and progress in treatment.

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

9 c. the person shall agree, in writing, that during the period the person is  
10 granted conditional release and is subject to the provisions thereof,  
11 there shall be free transmission of all pertinent information, including  
12 clinical information regarding the person, among the Department of  
13 Mental Health and Substance Abuse Services, the appropriate  
14 community mental health centers and the appropriate district  
15 attorneys, law enforcement and court personnel.

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

19 ~~5. The~~

20 d. the court's order placing the person on conditional release shall include  
21 notice that the person's conditional release may be revoked upon good  
22 cause. The person placed on conditional release shall remain under

UNDERLINED language denotes Amendments to present Statutes.  
**BOLD FACE CAPITALIZED** language denotes Committee Amendments.  
~~Strike thru~~ language denotes deletion from present Statutes.

1 the supervision of the Department of Mental Health and Substance  
2 Abuse Services until the committing court enters a final discharge  
3 order.

4 6. a. ~~Any~~  
5 e. any agency or individual involved in providing treatment with regard  
6 to the person's conditional release plan may prepare and file an  
7 affidavit under oath if the agency or individual believes that the person  
8 has failed to comply with the conditions of release or that such person  
9 has progressed to the point that inpatient care is appropriate.

10 b. ~~Any~~  
11 (1) any peace officer who receives such an affidavit shall take the  
12 person into protective custody and return the person to the  
13 forensic unit of the state hospital.

14 e. ~~Hearing~~  
15 (2) a hearing shall be conducted within three (3) days, excluding  
16 holidays and weekends, after the person is returned to the  
17 forensic unit of the state hospital to determine if the person has  
18 violated the conditions of release, or if full-time hospitalization  
19 is the least restrictive alternative consistent with the person's  
20 needs and the need for public safety. Notice of the hearing shall  
21 be issued, at least twenty-four (24) hours before the hearing, to  
22 the hospital superintendent, the person, trial counsel for the

1 person, and the patient advocate general of the Department of  
2 Mental Health and Substance Abuse Services. If the person  
3 requires hospitalization because of a violation of the conditions  
4 of release or because of progression to the point that inpatient  
5 care is appropriate, the court may then modify the conditions of  
6 release.

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

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

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

16 Section 2-202. A. Except as herein provided, the Commissioner of Mental Health  
17 and Substance Abuse Services shall have charge of the administration of the Department  
18 of Mental Health and Substance Abuse Services as directed by the Board of Mental  
19 Health and Substance Abuse Services and shall be charged with the duty of carrying out  
20 the provisions of the Mental Health Law.

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

1 C. The Commissioner may prescribe policies for the operation of the Department.

2 The Commissioner shall have the following additional powers and duties:

3 1. To appoint, with the consent of the Board, an executive director of each facility  
4 within the Department, and fix the qualifications, duties and compensation of the  
5 executive directors; to counsel with the various executive directors about facility needs  
6 and budget requests; and to prepare and submit for appropriate legislative action budget  
7 requests sufficient to carry on the functions of the Department. These budget requests  
8 shall be submitted to the Board for its recommendations before being submitted for  
9 legislative action;

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

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

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

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

1           6. To visit each facility in the Department at least once each calendar year. During  
2 such visits, the Commissioner shall have access to any or all facilities and records and  
3 shall have the privilege of interviewing all personnel and consumers within the facility.

4 The purpose of the visits to the facility shall be:

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

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

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

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

21 9. To call meetings of the executive directors of the facilities in the Department,  
22 and act as chair of such meetings, to discuss common problems in order to obtain

1 uniformity and bring about coordination of the facilities for the maximum service to the  
2 state. Called meetings may or may not be held jointly with the Board;

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

7 a. The Board of Psychiatric Examiners shall be composed of the  
8 Commissioner and two members selected by the Board. Members of  
9 the Board of Psychiatric Examiners shall be selected from persons who  
10 are qualified examiners according to the Mental Health Law.

11 b. The Commissioner may designate a third qualified examiner to act as  
12 chair when circumstances warrant and when the Commissioner deems  
13 it necessary;

14 11. To keep a list of all nonresidents admitted to a facility within the Department  
15 and to make every effort possible to make arrangements with other states so that  
16 mentally ill persons who are being cared for at public expense in any facility in this state  
17 and who are citizens or residents of such other states may be transferred at the expense  
18 of this state to similar facilities in such other states.

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

21 b. Mentally ill persons who are being cared for at public expense in  
22 hospitals for mentally ill or facilities of other states, other than persons

1 who have been transferred from penal institutions and the terms of  
2 whose sentences to such penal institutions shall not have expired, and  
3 who are citizens or residents of this state, may be transferred at the  
4 expense of such other states to similar facilities in this state.

5 c. Removal of a nonresident to the nonresident's state may be authorized  
6 by the Commissioner and all expenses of such transfer shall be taken  
7 from the Travel Fund of the facility if the transfer is to be at public  
8 expense.

9 d. Consumers returned to this state pursuant to these provisions shall be  
10 delivered directly to the hospital designated by the Commissioner and  
11 shall be admitted in accordance with these provisions;

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

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

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

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

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

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

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

- 1 (3) preventing attempted escapes, and  
2 (4) pursuing and returning court committed consumers and  
3 Department of Corrections inmates who have escaped from  
4 Department facilities.
- 5 b. The powers and duties of peace officers may be exercised for the  
6 purpose of maintaining custody of any consumer being transported  
7 within the state and 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 pursuant to this  
10 section, an employee shall meet the training and screening  
11 requirements of the Department of Corrections pursuant to  
12 subparagraphs a through g of paragraph 2 of subsection A of Section  
13 510 of Title 57 of the Oklahoma Statutes and be of good moral  
14 character; and

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

21 18. Any other power necessary to implement the provisions of the Mental Health  
22 Law.

1           SECTION 4. This act shall become effective November 1, 2007.  
2           COMMITTEE REPORT BY: COMMITTEE ON JUDICIARY AND PUBLIC SAFETY,  
3           dated 04-09-07 - DO PASS, As Amended.