

EHB 2765

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THE STATE SENATE  
Thursday, April 3, 2008

ENGROSSED

House Bill No. 2765

ENGROSSED HOUSE BILL NO. 2765 - By: Cox, Pittman, Collins, Hoskin, McAffrey and Shelton of the House and Crain of the Senate.

An Act relating to mental health and substance abuse services; amending 22 O.S. 2001, Section 1161, as last amended by Section 8, Chapter 358, O.S.L. 2007 (22 O.S. Supp. 2007, Section 1161), which relates to discharge procedure of persons found insane; modifying procedures for certain determination made by the court; authorizing the administration of certain treatment to persons committed to the custody of the Department of Mental Health and Substance Abuse Services; providing for discharge or conditional release pursuant to certain procedures; creating Forensic Review Board; stating composition of Board; establishing length of certain terms; establishing duties of Board; exempting Board from Oklahoma Open Meeting Act; establishing guidelines for meetings of Board; establishing procedures upon specified Board recommendations; authorizing conditional release subject to certain conditions; requiring discharge upon certain determination; amending 43A O.S. 2001, Section 2-202, as last amended by Section 8, Chapter 150, O.S.L. 2005 (43A O.S. Supp. 2007, Section 2-202), which relates to powers and duties of Commissioner of Mental Health and Substance Abuse Services; deleting certain duty; and providing an effective date.

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

SECTION 1. AMENDATORY 22 O.S. 2001, Section 1161, as last amended by Section 8, Chapter 358, O.S.L. 2007 (22 O.S. Supp. 2007, Section 1161), is amended to read as follows:

Section 1161. A. 1. An act committed by a person in a state of insanity cannot be punished as a public offense, nor can the

1 person be tried, sentenced to punishment, or punished for a public  
2 offense while such person is insane.

3 2. When in any criminal action by indictment or information,  
4 the defense of insanity is raised, but the defendant is not  
5 acquitted on the ground that the defendant was insane at the time of  
6 the commission of the crime charged, an issue concerning such  
7 defense may be raised on appeal. If the appellate court finds  
8 relief is required, the appellate court shall not have authority to  
9 modify the judgment or sentence, but will only have the authority to  
10 order a new trial or order resentencing without recommendations to  
11 sentencing.

12 3. When in any criminal action by indictment or information the  
13 defense of insanity is interposed either singly or in conjunction  
14 with some other defense, the jury shall state in the verdict, if it  
15 is one of acquittal, whether or not the defendant is acquitted on  
16 the ground of insanity. When the defendant is acquitted on the  
17 ground that the defendant was insane at the time of the commission  
18 of the crime charged, the person shall not be discharged from  
19 custody until the court has made a determination that the person is  
20 not presently dangerous to the public peace and safety because the  
21 person is a person requiring treatment as defined in Section 1-103  
22 of Title 43A of the Oklahoma Statutes.

1           B. 1. To assist the court in its determination, the court  
2 shall immediately issue an ~~examination order and specify the state~~  
3 ~~hospital for the mentally ill in which the person is to be~~  
4 hospitalized for the person to be examined by the Department of  
5 Mental Health and Substance Abuse Services at a facility the  
6 Department has designated to examine and treat forensic individuals.  
7 Upon the issuance of the order, the sheriff shall deliver the person  
8 to the designated ~~hospital for the mentally ill where the person~~  
9 ~~shall remain hospitalized for a period of not less than thirty (30)~~  
10 ~~days~~ facility.

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

1 regarding mental illness, competency, dangerousness and criminal  
2 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 person's  
16 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

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 a. During the period of hospitalization, the Department  
20 of Mental Health and Substance Abuse Services may  
21 administer or cause to be administered to the person  
22 such psychiatric, medical or other therapeutic  
23 treatment as in its judgment should be administered.

1           **b. The person shall be subject to discharge or**  
2                           **conditional release pursuant to the procedures set**  
3                           **forth in this section.**

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

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

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

16           3. Order conditional release, as set forth in subsection ~~H~~ F of  
17 this section.

18           **F. There is hereby created a Forensic Review Board to be**  
19 **composed of seven (7) members appointed by the Governor with the**  
20 **advice and consent of the Senate. The Board members shall serve for**  
21 **a term of five (5) years except that for members first appointed to**  
22 **the Board: one shall serve for a term ending December 31, 2008, two**  
23 **shall serve for a term ending December 31, 2009, two shall serve a**

1 term ending December 31, 2010, and two shall serve for a term ending  
2 December 31, 2011.

3 1. The Board shall be composed of:

4 a. four licensed mental health professionals with  
5 experience in treating mental illness, at least one of  
6 whom is licensed as a Doctor of Medicine, a Doctor of  
7 Osteopathy, or a licensed clinical psychologist and  
8 shall be appointed from a list of seven names  
9 submitted to the Governor by the Department of Mental  
10 Health and Substance Abuse Services,

11 b. one member who shall be an attorney licensed to  
12 practice in this state and shall be appointed from a  
13 list of not less than three names submitted to the  
14 Governor by the Board of Governors of the Oklahoma Bar  
15 Association,

16 c. one member who shall be a retired judge licensed to  
17 practice in this state and shall be appointed from a  
18 list of not less than three names submitted to the  
19 Governor by the Judicial Nominating Committee, and

20 d. one at-large member.

21 The attorney and retired judge members of the Board shall be  
22 prohibited from representing in the courts of this state persons  
23 charged with felony offenses while serving on the Board.

1        2. The Board shall meet as necessary to determine which  
2 individuals confined with the Department of Mental Health and  
3 Substance Abuse Services are eligible for therapeutic visits,  
4 conditional release or discharge and whether the Board wishes to  
5 make such a recommendation to the court of the county where the  
6 individual was found not guilty by reason of insanity.

7        a. Forensic Review Board meetings shall not be considered  
8 subject to the Oklahoma Open Meeting Act and are not  
9 open to the public. Other than the Forensic Review  
10 Board members, only the following individuals shall be  
11 permitted to attend Board meetings:

12        (1) the individual the Board is considering for  
13 therapeutic visits, conditional release or  
14 discharge, his or her treatment advocate, and  
15 members of his or her treatment team,

16        (2) the Commissioner of Mental Health and Substance  
17 Abuse Services or designee,

18        (3) the Advocate General for the Department of Mental  
19 Health and Substance Abuse Services or designee,

20        (4) the General Counsel for the Department of Mental  
21 Health and Substance Abuse Services or designee,  
22 and

1                   (5) any other persons the Board and Commissioner of  
2                   Mental Health and Substance Abuse Services wish  
3                   to be present.

4           b. The Department of Mental Health and Substance Abuse  
5           Services shall provide administrative staff to the  
6           Board to take minutes of meetings and prepare  
7           necessary documents and correspondence for the Board  
8           to comply with its duties as set forth in this  
9           section. The Department of Mental Health and  
10           Substance Abuse Services shall also transport the  
11           individuals being reviewed to and from the Board  
12           meeting site.

13           c. The Board shall promulgate rules concerning the  
14           granting and structure of therapeutic visits,  
15           conditional releases and discharge.

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

22           ~~2. During the period of hospitalization the Department of~~  
23           ~~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           3. The Forensic Review Board shall submit ~~its~~ any  
10 recommendation for therapeutic visit, 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.

16           ~~b.~~ a. The district attorney may file an objection to ~~the~~ a  
17 recommendation for a therapeutic visit within ten (10)  
18 days of receipt of the notice.

19           b. If an objection is filed, the therapeutic visit is  
20 stayed until a hearing is held. The court shall hold  
21 a hearing not less than ten (10) days following an  
22 objection to determine whether the therapeutic visit

1 is necessary for treatment, and if necessary, the  
2 nature and extent of the visit.

3 ~~3-~~ 4. During the period of hospitalization the ~~Superintendent~~  
4 Department of Mental Health and Substance Abuse Services shall  
5 submit an annual report on the status of the person to the court,  
6 the district attorney and the patient advocate general of the  
7 Department of Mental Health and Substance Abuse Services. ~~Not less~~  
8 ~~than twenty (20) days prior to the scheduled release of the person~~  
9 ~~the Superintendent shall deliver a written notice of the proposed~~  
10 ~~discharge to the court, the district attorney and the patient~~  
11 ~~advocate general of the Department of Mental Health and Substance~~  
12 ~~Abuse Services.~~

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

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

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

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

12            a. the Forensic Review Board has made a recommendation  
13            for conditional release, including a written plan for  
14            outpatient treatment, ~~including recommendations from~~  
15            ~~the examiner, shall be filed with the court, district~~  
16            ~~attorney, the person's trial counsel, and the person.~~  
17            In and a list of recommendations for the court to  
18            place as conditions on the release,

19            b. in its order of conditional release, the court shall  
20            specify conditions of release and shall direct the  
21            appropriate agencies or persons to submit annual  
22            reports regarding the person's compliance with the  
23            conditions of release and progress in treatment.

1       ~~3. To be eligible for conditional release,~~

2           c.   the person ~~shall~~ must agree, in writing, that during  
3           the period the person is granted conditional release  
4           and is subject to the provisions thereof, there shall  
5           be free transmission of all pertinent information,  
6           including clinical information regarding the person,  
7           among the Department of Mental Health and Substance  
8           Abuse Services, the appropriate community mental  
9           health centers and the appropriate district attorneys,  
10          law enforcement and court personnel~~;~~.

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

14       ~~5. The~~

15           d.   the court's order placing the person on conditional  
16           release shall include notice that the person's  
17           conditional release may be revoked upon good cause.  
18           The person placed on conditional release shall remain  
19           under the supervision of the Department of Mental  
20           Health and Substance Abuse Services until the  
21           committing court enters a final discharge order. The  
22           Department of Mental Health and Substance Abuse  
23           Services shall assess the person placed on conditional

1 release annually and shall have the authority to  
2 recommend discharge of the person to the Board,

3 ~~6. a. Any~~

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

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

15 ~~e.~~ Hearing

16 (2) A hearing shall be conducted within three (3)  
17 days, excluding holidays and weekends, after the  
18 person is returned to the forensic unit of the  
19 state hospital to determine if the person has  
20 violated the conditions of release, or if full-  
21 time hospitalization is the least restrictive  
22 alternative consistent with the person's needs  
23 and the need for public safety. Notice of the

1 hearing shall be issued, at least twenty-four  
2 (24) hours before the hearing, to the hospital  
3 superintendent, the person, trial counsel for the  
4 person, and the patient advocate general of the  
5 Department of Mental Health and Substance Abuse  
6 Services. If the person requires hospitalization  
7 because of a violation of the conditions of  
8 release or because of progression to the point  
9 that inpatient care is appropriate, the court may  
10 then modify the conditions of release.

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

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

19 SECTION 2. AMENDATORY 43A O.S. 2001, Section 2-202, as  
20 last amended by Section 8, Chapter 150, O.S.L. 2005 (43A O.S. Supp.  
21 2007, Section 2-202), is amended to read as follows:

22 Section 2-202. A. Except as herein provided, the Commissioner  
23 of Mental Health and Substance Abuse Services shall have charge of

1 the administration of the Department of Mental Health and Substance  
2 Abuse Services as directed by the Board of Mental Health and  
3 Substance Abuse Services and shall be charged with the duty of  
4 carrying out the provisions of the Mental Health Law.

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

8 C. The Commissioner may prescribe policies for the operation of  
9 the Department. The Commissioner shall have the following  
10 additional powers and duties:

11 1. To appoint, with the consent of the Board, an executive  
12 director of each facility within the Department, and fix the  
13 qualifications, duties and compensation of the executive directors;  
14 to counsel with the various executive directors about facility needs  
15 and budget requests; and to prepare and submit for appropriate  
16 legislative action budget requests sufficient to carry on the  
17 functions of the Department. These budget requests shall be  
18 submitted to the Board for its recommendations before being  
19 submitted for legislative action;

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

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

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

7           5. To aid, assist and cooperate with the State Department of  
8 Health, institutions of higher learning, public schools, and others  
9 interested in public education regarding the issue of mental hygiene  
10 in the establishment of a sound mental health program in the State  
11 of Oklahoma;

12          6. To visit each facility in the Department at least once each  
13 calendar year. During such visits, the Commissioner shall have  
14 access to any or all facilities and records and shall have the  
15 privilege of interviewing all personnel and consumers within the  
16 facility. The purpose of the visits to the facility shall be:

- 17           a. to review and evaluate the professional and  
18                administrative activity of such facilities,  
19           b. to ensure compliance with medical and administrative  
20                policies and procedures established by the Department,  
21           c. to modify and revise existing operating procedure to  
22                improve operational effectiveness,

- 1           d.    to institute new policies and procedures to effect  
2                    improvement and economy of overall operation, and  
3           e.    to coordinate the activities of each facility with the  
4                    overall operation of the Department;

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

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

15           a.    The Commissioner or a designee of the Commissioner may  
16                    establish specific hours for consumer admissions at  
17                    each facility.

18           b.    The Commissioner or a designee of the Commissioner may  
19                    delay inpatient admissions when such admissions would  
20                    cause facilities to exceed their authorized capacity.

21           c.    Consumers may be transferred from one facility to  
22                    another within the Department on the authority of the  
23                    Commissioner as provided for in the Mental Health Law.

1           d.    Permanent transfer of a consumer may be made when it  
2                    is apparent that the general welfare, care, and  
3                    treatment of the consumer can be more effectively  
4                    provided at another facility, provided the parents or  
5                    guardian are notified as soon as possible of the  
6                    transfer.

7           e.    Temporary transfer of a consumer may be made in order  
8                    that a consumer may have the advantage of special  
9                    services not available at the facility of the present  
10                  residence of the consumer.

11          f.    Requests for transfer shall be initiated by the  
12                  executive director of the facility in which the  
13                  consumer resides.

14          g.    Sufficient supporting information from the records of  
15                  the consumer shall be submitted by the executive  
16                  director to the Commissioner to warrant a decision as  
17                  to the advisability of the transfer;

18          9.    To call meetings of the executive directors of the  
19                  facilities in the Department, and act as chair of ~~such~~ the meetings,  
20                  to discuss common problems in order to obtain uniformity and bring  
21                  about coordination of the facilities for the maximum service to the  
22                  state. Called meetings may or may not be held jointly with the  
23                  Board;

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

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

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

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

- 1           a.    The Commissioner shall not prevail upon relatives or  
2                    friends of such mentally ill person or any other  
3                    person to defray transfer expenses.
- 4           b.    Mentally ill persons who are being cared for at public  
5                    expense in hospitals for mentally ill or facilities of  
6                    other states, other than persons who have been  
7                    transferred from penal institutions and the terms of  
8                    whose sentences to ~~such~~ the penal institutions shall  
9                    not have expired, and who are citizens or residents of  
10                   this state, may be transferred at the expense of ~~such~~  
11                   other states to similar facilities in this state.
- 12          c.    Removal of a nonresident to the nonresident's state  
13                    may be authorized by the Commissioner and all expenses  
14                    of ~~such~~ the transfer shall be taken from the Travel  
15                    Fund of the facility if the transfer is to be at  
16                    public expense.
- 17          d.    Consumers returned to this state pursuant to these  
18                    provisions shall be delivered directly to the hospital  
19                    designated by the Commissioner and shall be admitted  
20                    in accordance with these provisions;

21          12. To prescribe the official forms of any and all papers not  
22          specifically described in the Mental Health Law including those to  
23          be used in ordering a person to a facility within the Department,

1 except that when a person is ordered to a facility by a court, the  
2 order to hospitalize or admit ~~such~~ the person may be on ~~such a~~ a form  
3 as the court deems proper;

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

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

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

- 17 a. specific information regarding the number of consumers  
18 admitted, treated, and discharged,  
19 b. the methods of treatment used and an appraisal of the  
20 success thereof,  
21 c. the financial condition and needs of each facility in  
22 the Department,

- 1           d.    any long-range plans or recommendations for the  
2                    utilization and improvement of facilities, equipment,  
3                    and personnel and for the care and treatment of  
4                    consumers,  
5            e.    any recommendations requiring legislation, and  
6            f.    major findings, in summarized form, obtained by visits  
7                    made pursuant to the provisions of paragraph 6 of this  
8                    section;

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

- 12           a.    The authority of designated employees shall be limited  
13                    to:  
14                    (1) maintaining custody of consumers in facilities,  
15                    (2) maintaining security or performing functions  
16                    similar to those performed by correctional  
17                    officers or other security personnel for  
18                    Department of Corrections inmates housed in  
19                    mental health facilities,  
20                    (3) preventing attempted escapes, and  
21                    (4) pursuing and returning court committed consumers  
22                    and Department of Corrections inmates who have  
23                    escaped from Department facilities.

1           b.    The powers and duties of peace officers may be  
2                    exercised for the purpose of maintaining custody of  
3                    any consumer being transported within the state and  
4                    outside the State of Oklahoma pursuant to the  
5                    authority of the Interstate Compact on Mental Health.  
6            c.    To become qualified for designation as a peace officer  
7                    pursuant to this section, an employee shall meet the  
8                    training and screening requirements of the Department  
9                    of Corrections pursuant to subparagraphs a through g  
10                  of paragraph 2 of subsection A of Section 510 of Title  
11                  57 of the Oklahoma Statutes and be of good moral  
12                  character; and

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

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

22           SECTION 3. This act shall become effective November 1, 2008.

23           COMMITTEE REPORT BY: COMMITTEE ON JUDICIARY, dated 4-1-08 - DO PASS.