

1 ENGROSSED SENATE  
2 BILL NO. 597

By: Gumm and Crain of the  
Senate

3 and

4 Carey of the House

5  
6  
7 [ mental health - emergency detention of persons -

8 initial assessment -

9 effective date ]

10

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

12 SECTION 1. AMENDATORY 43A O.S. 2001, Section 5-207, as  
13 last amended by Section 16, Chapter 97, O.S.L. 2006 (43A O.S. Supp.  
14 2008, Section 5-207), is amended to read as follows:

15 Section 5-207. A. Any person who appears to be or states that  
16 such person is mentally ill, alcohol-dependent, or drug-dependent to  
17 a degree that immediate emergency action is necessary may be taken  
18 into protective custody and detained as provided pursuant to the  
19 provisions of this section. Nothing in this section shall be  
20 construed as being in lieu of prosecution under state or local  
21 statutes or ordinances relating to public intoxication offenses.

22 B. Any peace officer who reasonably believes that a person is a  
23 person requiring treatment as defined in Section 1-103 of this title  
24 shall take the person into protective custody. The officer shall

1 make every reasonable effort to take the person into custody in the  
2 least conspicuous manner.

3 C. The officer shall prepare a written statement indicating the  
4 basis for the officer's belief that the person is a person requiring  
5 treatment and the circumstances under which the officer took the  
6 person into protective custody. The officer shall give a copy of  
7 the statement to the person or the person's attorney upon the  
8 request of either. If the officer does not make the determination  
9 to take an individual into protective custody on the basis of the  
10 officer's personal observation, the officer shall not be required to  
11 prepare a written statement. However, the person stating to be  
12 mentally ill, alcohol-dependent, or drug-dependent or the person  
13 upon whose statement the officer relies shall sign a written  
14 statement indicating the basis for such person's belief that the  
15 person is a person requiring treatment. Any false statement given  
16 to the officer by the person upon whose statement the officer relies  
17 shall be a misdemeanor and subject to the sanctions of Title 21 of  
18 the Oklahoma Statutes.

19 D. If the person is medically stable, the officer shall  
20 immediately transport the person to the nearest facility designated  
21 by the Commissioner of Mental Health and Substance Abuse Services as  
22 an appropriate facility for an initial assessment. If, subsequent  
23 to an initial assessment, it is determined that emergency detention  
24 is warranted, the officer shall transport the person to the nearest

1 facility, designated by the Commissioner as appropriate for such  
2 detention, that has bed space available. If it is determined by the  
3 facility director or designee that the person is not medically  
4 stable, the officer shall transport the person to the nearest  
5 hospital or other appropriate treatment facility.

6 E. If the nearest facility designated by the Commissioner as an  
7 appropriate facility for an initial assessment or detention is in  
8 excess of fifty (50) miles from the county seat of the county in  
9 which the person is located, and whenever there are factors based  
10 upon clinical determinations made within the state indicating that  
11 the care and treatment of the person would be facilitated or  
12 improved thereby, the person may be transported by the officer to a  
13 facility in another state if the facility:

14 1. Is designated or accredited by the mental health authorities  
15 of that state as an appropriate facility for an initial assessment  
16 or detention of such person;

17 2. Is accredited by the Joint Commission;

18 3. Is the nearest available facility to the county seat of the  
19 county in which the person is located; and

20 4. Has agreed prior to the person leaving the state to receive  
21 the person for initial assessment or detention.

22 ~~E.~~ F. The parent, brother or sister who is eighteen (18) years  
23 of age or older, child who is eighteen (18) years of age or older,  
24 or guardian of the person, or a person who appears to be or states

1 that such person is mentally ill, alcohol-dependent, or drug-  
2 dependent to a degree that emergency action is necessary may request  
3 the administrator of a facility designated by the Commissioner as an  
4 appropriate facility for an initial assessment to conduct an initial  
5 assessment to determine whether the condition of the person is such  
6 that emergency detention is warranted and, if emergency detention is  
7 warranted, to detain the person as provided in Section 5-206 of this  
8 title.

9 SECTION 2. This act shall become effective November 1, 2009.

10 Passed the Senate the 10th day of March, 2009.

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12 \_\_\_\_\_  
13 Presiding Officer of the Senate

14 Passed the House of Representatives the \_\_\_\_ day of \_\_\_\_\_,  
15 2009.

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17 \_\_\_\_\_  
18 Presiding Officer of the House  
19 of Representatives