

ESB 597

THE HOUSE OF REPRESENTATIVES
Wednesday, April 8, 2009

ENGROSSED
Senate Bill No. 597
As Amended

ENGROSSED SENATE BILL NO. 597 - By: GUMM AND CRAIN of the Senate and CAREY of the House.

(mental health - emergency detention of persons - initial assessment -
effective date)

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

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

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

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

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

15 D. If the person is medically stable, the officer shall immediately transport the
16 person to the nearest facility designated by the Commissioner of Mental Health and
17 Substance Abuse Services as an appropriate facility for an initial assessment. If,
18 subsequent to an initial assessment, it is determined that emergency detention is
19 warranted, the officer shall transport the person to the nearest facility, designated by the
20 Commissioner as appropriate for such detention, that has bed space available. If it is
21 determined by the facility director or designee that the person is not medically stable, the

1 officer shall transport the person to the nearest hospital or other appropriate treatment
2 facility.

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

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

11 2. Is accredited by the Joint Commission;

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

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

16 ~~E. F.~~ The parent, brother or sister who is eighteen (18) years of age or older, child
17 who is eighteen (18) years of age or older, or guardian of the person, or a person who
18 appears to be or states that such person is mentally ill, alcohol-dependent, or drug-
19 dependent to a degree that emergency action is necessary may request the administrator
20 of a facility designated by the Commissioner as an appropriate facility for an initial
21 assessment to conduct an initial assessment to determine whether the condition of the

1 person is such that emergency detention is warranted and, if emergency detention is
2 warranted, to detain the person as provided in Section 5-206 of this title.

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

4 COMMITTEE REPORT BY: COMMITTEE ON APPROPRIATIONS AND BUDGET,
5 dated 04-07-09 - DO PASS, As Amended.