

1 ENGROSSED SENATE AMENDMENTS
TO

2 ENGROSSED HOUSE
3 BILL NO. 2254

By: Sherrer, Hoskin and Roan of
the House

4 and

5 Burrage of the Senate

6
7
8 An Act relating to mental health; creating the Local
9 Law Enforcement Mental Health Manpower Act; amending
10 43A O.S. 2011, Section 5-207, which relates to
11 protective custody of certain individuals;
12 authorizing officer to relinquish certain person to
13 designated individuals until certain determination is
14 made; providing for noncodification; and providing an
15 effective date.

16 AUTHOR: Add the following Senate Coauthor: Ivester

17 AMENDMENT NO. 1. Page 2, lines 12-15, after the word "agency" on
18 line 12 and before the period on line 15, delete
19 all language and insert "to fulfill the officer's
20 duties as required by this title"

21 AMENDMENT NO. 2. Page 1, strike the title to read

22 "[mental health - creating Local Law Enforcement
23 Mental Health Manpower Act - protective custody of
24 individuals - noncodification - effective date]"

and when the title is restored, amend the title to
conform

1 Passed the Senate the 18th day of April, 2012.

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3 _____
4 Presiding Officer of the Senate

5 Passed the House of Representatives the ____ day of _____,
6 2012.

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8 _____
9 Presiding Officer of the House
10 of Representatives

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11 protective custody of certain individuals;
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13 designated individuals until certain determination is
14 made; providing for noncodification; and providing an
15 effective date.

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

17 SECTION 1. NEW LAW A new section of law not to be
18 codified in the Oklahoma Statutes reads as follows:

19 Section 2 of this act shall be known and may be cited as the
20 "Local Law Enforcement Mental Health Manpower Act".

21 SECTION 2. AMENDATORY 43A O.S. 2011, Section 5-207, is
22 amended to read as follows:

23 Section 5-207. A. Any person who appears to be or states that
24 such person is mentally ill, alcohol-dependent, or drug-dependent to
a degree that immediate emergency action is necessary may be taken
into protective custody and detained as provided pursuant to the

1 provisions of this section. Nothing in this section shall be
2 construed as being in lieu of prosecution under state or local
3 statutes or ordinances relating to public intoxication offenses.

4 B. 1. Any peace officer who reasonably believes that a person
5 is a person requiring treatment as defined in Section 1-103 of this
6 title shall take the person into protective custody. The officer
7 shall make every reasonable effort to take the person into custody
8 in the least conspicuous manner.

9 2. Upon taking the person into protective custody, the officer
10 may relinquish custody of the person believed to require treatment
11 to a duly qualified reserve officer or deputy employed by the same
12 agency who is authorized to remain at the facility or other place of
13 initial protective custody until such time as a determination is
14 made that the person requires transportation to the appropriate
15 facility for an initial assessment.

16 C. The officer shall prepare a written statement indicating the
17 basis for the officer's belief that the person is a person requiring
18 treatment and the circumstances under which the officer took the
19 person into protective custody. The officer shall give a copy of
20 the statement to the person or the person's attorney upon the
21 request of either. If the officer does not make the determination
22 to take an individual into protective custody on the basis of the
23 officer's personal observation, the officer shall not be required to
24 prepare a written statement. However, the person stating to be

1 mentally ill, alcohol-dependent, or drug-dependent or the person
2 upon whose statement the officer relies shall sign a written
3 statement indicating the basis for such person's belief that the
4 person is a person requiring treatment. Any false statement given
5 to the officer by the person upon whose statement the officer relies
6 shall be a misdemeanor and subject to the sanctions of Title 21 of
7 the Oklahoma Statutes.

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

19 E. If the person is medically unstable, the person may be
20 transported to an appropriate medical facility for medical
21 treatment. A treating physician may authorize that the person be
22 detained until the person becomes medically stable. When the person
23 becomes medically stable, if in the opinion of the treating or
24 discharging physician, the patient is still a person requiring

1 treatment as defined in Section 1-103 of this title, the physician
2 shall authorize detention of the patient for transportation as
3 provided in subsection D of this section by an appropriate law
4 enforcement agency.

5 F. If the nearest facility designated by the Commissioner as an
6 appropriate facility for an initial assessment or detention is in
7 excess of fifty (50) miles from the county seat of the county in
8 which the person is located, and whenever, as provided in paragraph
9 (b) of Article III of Section 6-201 of this title, there are factors
10 based upon clinical determinations made within the state indicating
11 that 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 located in a state that has enacted into law and entered
15 into the Interstate Compact on Mental Health;

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

19 3. Is accredited by the Joint Commission;

20 4. Is the nearest available facility to the county seat of the
21 county in which the person is located; and

22 5. Has agreed prior to the person leaving the state to receive
23 the person for initial assessment or detention.

24

1 G. The parent, brother or sister who is eighteen (18) years of
2 age or older, child who is eighteen (18) years of age or older, or
3 guardian of the person, or a person who appears to be or states that
4 such person is mentally ill, alcohol-dependent, or drug-dependent to
5 a degree that emergency action is necessary may request the
6 administrator of a facility designated by the Commissioner as an
7 appropriate facility for an initial assessment to conduct an initial
8 assessment to determine whether the condition of the person is such
9 that emergency detention is warranted and, if emergency detention is
10 warranted, to detain the person as provided in Section 5-206 of this
11 title.

12 SECTION 3. This act shall become effective November 1, 2012.

13 Passed the House of Representatives the 5th day of March, 2012.

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Presiding Officer of the House of
Representatives

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18 Passed the Senate the ____ day of _____, 2012.

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Presiding Officer of the Senate

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