

1 **SENATE FLOOR VERSION**

2 March 27, 2012

3 ENGROSSED HOUSE
4 BILL NO. 2580

By: McDaniel (Jeannie) of the
House

5 and

6 Crain of the Senate

7
8 An Act relating to mental health; amending 43A O.S.
9 2011, Section 5-410, which relates to a petition
10 regarding a person requiring treatment; expanding
11 list of family members authorized to file a petition
12 regarding a person requiring treatment; and providing
13 an effective date.

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

15 SECTION 1. AMENDATORY 43A O.S. 2011, Section 5-410, is
16 amended to read as follows:

17 Section 5-410. A. The following persons may file or request
18 the district attorney to file a petition with the district court,
19 upon which is hereby conferred jurisdiction, to determine whether an
20 individual is a person requiring treatment, and to order the least
21 restrictive appropriate treatment for the person:

22 1. A treatment advocate as defined in Section 1-109.1 of this
23 title;
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1 2. The father, mother, husband, wife, grandparent, brother,
2 sister, guardian or child, over the age of eighteen (18) years, of
3 an individual alleged to be a person requiring treatment;

4 3. A licensed mental health professional;

5 4. The executive director of a facility designated by the
6 Commissioner of Mental Health and Substance Abuse Services as
7 appropriate for emergency detention;

8 5. An administrator of a hospital that is approved by the Joint
9 Commission on Accreditation of Healthcare Organizations; provided,
10 however, in any involuntary commitment procedure in which a hospital
11 is the petitioner pursuant to the provisions of this section, the
12 hospital may participate in such hearing without retaining their own
13 legal counsel if the hospital provides as a witness a mental health
14 therapist or a licensed mental health professional;

15 6. A person in charge of any correctional institution;

16 7. Any peace officer within the county in which the individual
17 alleged to be a person requiring treatment resides or may be found;
18 or

19 8. The district attorney in whose district the person resides
20 or may be found.

21 B. The petition shall contain a statement of the facts upon
22 which the allegation is based and, if known, the names and addresses
23 of any witnesses to the alleged facts.

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1 1. The petition shall be verified and made under penalty of
2 perjury.

3 2. A request for the prehearing detention of the individual
4 alleged to be a person requiring treatment may be attached to the
5 petition.

6 3. If the individual alleged to be a person requiring treatment
7 is being held in emergency detention, a copy of the mental health
8 evaluation shall be attached to the petition.

9 C. The inpatient mental health treatment of minors shall be
10 pursuant to the provisions of the Inpatient Mental Health and
11 Substance Abuse Treatment of Minors Act.

12 SECTION 2. This act shall become effective November 1, 2012.

13 COMMITTEE REPORT BY: COMMITTEE ON HEALTH & HUMAN SERVICES, dated
14 3-26-12 - DO PASS.

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