

STATE OF OKLAHOMA

1st Session of the 52nd Legislature (2009)

CONFERENCE COMMITTEE SUBSTITUTE

FOR ENGROSSED

SENATE BILL 597

By: Gumm and Crain of the  
Senate

and

Carey of the House

CONFERENCE COMMITTEE SUBSTITUTE

An Act relating to mental health; amending 43A O.S. 2001, Section 5-207, as last amended by Section 16, Chapter 97, O.S.L. 2006 (43A O.S. Supp. 2008, Section 5-207), which relates to emergency detention of persons appearing to be mentally ill; permitting certain persons to be transported to certain out-of-state facilities for initial assessment or detention in specified circumstances; and providing an effective date.

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

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

Section 5-207. A. Any person who appears to be or states that 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. Any peace officer who reasonably believes that a person is a  
5 person requiring treatment as defined in Section 1-103 of this title  
6 shall take the person into protective custody. The officer shall  
7 make every reasonable effort to take the person into custody in the  
8 least conspicuous manner.

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

1 D. If the person is medically stable, the officer shall  
2 immediately transport the person to the nearest facility designated  
3 by the Commissioner of Mental Health and Substance Abuse Services as  
4 an appropriate facility for an initial assessment. If, subsequent  
5 to an initial assessment, it is determined that emergency detention  
6 is warranted, the officer shall transport the person to the nearest  
7 facility, designated by the Commissioner as appropriate for such  
8 detention, that has bed space available. If it is determined by the  
9 facility director or designee that the person is not medically  
10 stable, the officer shall transport the person to the nearest  
11 hospital or other appropriate treatment facility.

12 E. If the nearest facility designated by the Commissioner as an  
13 appropriate facility for an initial assessment or detention is in  
14 excess of fifty (50) miles from the county seat of the county in  
15 which the person is located, and whenever, as provided in paragraph  
16 (b) of Article III of Section 6-201 of this title, there are factors  
17 based upon clinical determinations made within the state indicating  
18 that the care and treatment of the person would be facilitated or  
19 improved thereby, the person may be transported by the officer to a  
20 facility in another state if the facility:

21 1. Is located in a state that has enacted into law and entered  
22 into the Interstate Compact on Mental Health;  
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1        2. Is designated or accredited by the mental health authorities  
2 of that state as an appropriate facility for an initial assessment  
3 or detention of such person;

4        3. Is accredited by the Joint Commission;

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

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

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

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

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22        52-1-1983            JM            5/12/2009 3:06:19 PM  
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