

1 STATE OF OKLAHOMA

2 2nd Session of the 56th Legislature (2018)

3 SENATE BILL 992

By: Bergstrom

6 AS INTRODUCED

7 An Act relating to mental health services; amending
8 43A O.S. 2011, Section 1-110, as last amended by
9 Section 1, Chapter 374, O.S.L. 2016 (43A O.S. Supp.
10 2017, Section 1-110), which relates to law
11 enforcement responsibility for transporting persons
12 for mental health services; modifying reimbursement
13 rates for certain transportation; and providing an
14 effective date.

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

14 SECTION 1. AMENDATORY 43A O.S. 2011, Section 1-110, as
15 last amended by Section 1, Chapter 374, O.S.L. 2016 (43A O.S. Supp.
16 2017, Section 1-110), is amended to read as follows:

17 Section 1-110. A. Sheriffs and peace officers shall be
18 responsible for transporting individuals to and from designated
19 sites or facilities for the purpose of examination, emergency
20 detention, protective custody and inpatient services.

21 B. A municipal law enforcement agency shall be responsible for
22 any individual found within such municipality's jurisdiction. The
23 county sheriff shall be responsible for any individual found outside
24 of a municipality's jurisdiction, but within the county.

1 C. The law enforcement agency transporting an individual to and
2 from designated sites or facilities pursuant to the provisions of
3 this section shall maintain responsibility for the transportation of
4 such individual pending completion of the examination, emergency
5 detention, protective custody and inpatient services.

6 D. Sheriffs and peace officers shall be entitled to
7 reimbursement from the Department of Mental Health and Substance
8 Abuse Services for transportation services associated with minors or
9 adults requiring examination, emergency detention, protective
10 custody and inpatient services.

11 E. Any transportation provided by a sheriff or deputy sheriff
12 or a peace officer on behalf of any county, city, town or
13 municipality of this state, to or from any facility for the purpose
14 of examination, admission, interfacility transfer, medical treatment
15 or court appearance, within a twenty-mile radius from the
16 transporting sheriff's office, shall be reimbursed in accordance
17 with the provisions of the State Travel Reimbursement Act. Any
18 transportation provided outside a twenty-mile radius from the
19 transporting sheriff's office shall be reimbursed at a rate
20 negotiated with the Department of Mental Health and Substance Abuse
21 Services prior to transporting to or from any facility.

22 F. Nothing in this section shall prohibit a law enforcement
23 agency from entering into a lawful agreement with any other law
24 enforcement agency to fulfill the requirements established by this

1 section or from contracting with a third party to provide the
2 services established by this section provided the third party meets
3 minimum standards as determined by the Department. Standards
4 determined by the Department shall not exceed the standards required
5 by law enforcement.

6 G. A law enforcement agency shall not be liable for the actions
7 of a peace officer commissioned by the agency when such officer is
8 providing services as a third party pursuant to subsection F of this
9 section outside his or her primary employment as a peace officer.

10 SECTION 2. This act shall become effective November 1, 2018.

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