

1 ENGROSSED HOUSE AMENDMENT
TO
2 ENGROSSED SENATE BILL NO. 609 By: Bullard of the Senate
3 and
4 Humphrey of the House
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7 An Act relating to law enforcement protective services;
8 amending 43A O.S. 2011, Section 1-110, as last amended
9 by Section 1, Chapter 374, O.S.L. 2016 (43A O.S. Supp.
10 2018, Section 1-110), which relates to law enforcement
transporting persons for mental health services;
11 modifying provisions; providing definition; and
12 providing an effective date.

13 AMENDMENT NO. 1. Delete the title, enacting clause and entire bill
14 and replace with:

15 "An Act relating to law enforcement protective
16 services; amending 43A O.S. 2011, Section 1-110, as
17 last amended by Section 1, Chapter 374, O.S.L. 2016
18 (43A O.S. Supp. 2018, Section 1-110), which relates
19 to law enforcement responsibilities for transporting
persons for mental health services; clarifying
20 responsibilities of counties and municipalities;
providing definition; and providing an effective
21 date.

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

23 SECTION 1. AMENDATORY 43A O.S. 2011, Section 1-110, as
24 last amended by Section 1, Chapter 374, O.S.L. 2016 (43A O.S. Supp.
2018, Section 1-110), is amended to read as follows:

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

5 B. A municipal law enforcement agency shall be responsible for
6 transportation of any individual found initially contacted by the
7 municipal law enforcement agency within such municipality's
8 jurisdiction. The county sheriff shall be responsible for
9 transportation of any individual found initially contacted by the
10 county law enforcement agency outside of a municipality's
11 jurisdiction, but within the county. For purposes of this section,
12 "initially contacted" shall include, but not be limited to, contact
13 made by a law enforcement officer, either in person or by electronic
14 or telephone communication.

15 C. The law enforcement agency transporting an individual to and
16 from designated sites or facilities pursuant to the provisions of
17 this section shall maintain responsibility for the transportation of
18 such individual pending completion of the examination, emergency
19 detention, protective custody and inpatient services.

20 D. Sheriffs and peace officers shall be entitled to
21 reimbursement from the Department of Mental Health and Substance
22 Abuse Services for transportation services associated with minors or
23 adults requiring examination, emergency detention, protective
24 custody and inpatient services.

1 E. Any transportation provided by a sheriff or deputy sheriff
2 or a peace officer on behalf of any county, city, town or
3 municipality of this state, to or from any facility for the purpose
4 of examination, admission, interfacility transfer, medical treatment
5 or court appearance shall be reimbursed in accordance with the
6 provisions of the State Travel Reimbursement Act.

7 F. Nothing in this section shall prohibit a law enforcement
8 agency from entering into a lawful agreement with any other law
9 enforcement agency to fulfill the requirements established by this
10 section or from contracting with a third party to provide the
11 services established by this section provided the third party meets
12 minimum standards as determined by the Department. Standards
13 determined by the Department shall not exceed the standards required
14 by law enforcement.

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

19 SECTION 2. This act shall become effective November 1, 2019."
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1 ENGROSSED SENATE
2 BILL NO. 609

By: Bullard of the Senate

3 and

4 Humphrey of the House
5

6 An Act relating to law enforcement protective services;
7 amending 43A O.S. 2011, Section 1-110, as last amended
8 by Section 1, Chapter 374, O.S.L. 2016 (43A O.S. Supp.
9 2018, Section 1-110), which relates to law enforcement
10 transporting persons for mental health services;
11 modifying provisions; providing definition; and
12 providing an effective date.

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

14 SECTION 3. 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 2018, 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~~ initially contacted within such municipality's
23 jurisdiction. The county sheriff shall be responsible for any
24 individual ~~found~~ initially contacted outside of a municipality's
jurisdiction, but within the county. For purposes of this section,

1 "initially contacted" shall include, but not be limited to, contact
2 made by a law enforcement officer, firefighter, emergency medical
3 technician (EMT) or health care provider, either in person or by
4 electronic or telephone communication.

5 C. A licensed mental health professional shall be responsible
6 for documenting the location of presentation or initial contact of
7 the person in need of treatment to determine jurisdiction for the
8 responsible transporting agency. If the licensed mental health
9 professional is unable to determine the location of initial contact,
10 the law enforcement agency where the individual is located is
11 responsible for transportation.

12 D. The law enforcement agency transporting an individual to and
13 from designated sites or facilities pursuant to the provisions of
14 this section shall maintain responsibility for the transportation of
15 such individual pending completion of the examination, emergency
16 detention, protective custody and inpatient services.

17 ~~D.~~ E. Sheriffs and peace officers shall be entitled to
18 reimbursement from the Department of Mental Health and Substance
19 Abuse Services for transportation services associated with minors or
20 adults requiring examination, emergency detention, protective
21 custody and inpatient services.

22 ~~E.~~ F. Any transportation provided by a sheriff or deputy
23 sheriff or a peace officer on behalf of any county, city, town or
24 municipality of this state, to or from any facility for the purpose

1 of examination, admission, interfacility transfer, medical treatment
2 or court appearance shall be reimbursed in accordance with the
3 provisions of the State Travel Reimbursement Act.

4 ~~F.~~ G. Nothing in this section shall prohibit a law enforcement
5 agency from entering into a lawful agreement with any other law
6 enforcement agency to fulfill the requirements established by this
7 section or from contracting with a third party to provide the
8 services established by this section provided the third party meets
9 minimum standards as determined by the Department. Standards
10 determined by the Department shall not exceed the standards required
11 by law enforcement.

12 ~~G.~~ H. A law enforcement agency shall not be liable for the
13 actions of a peace officer commissioned by the agency when such
14 officer is providing services as a third party pursuant to
15 subsection ~~F~~ G of this section outside his or her primary employment
16 as a peace officer.

17 SECTION 4. This act shall become effective November 1, 2019.
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