

STATE OF OKLAHOMA

1st Session of the 57th Legislature (2019)

COMMITTEE SUBSTITUTE
FOR

SENATE BILL NO. 609

By: Bullard of the Senate

and

Humphrey of the House

COMMITTEE SUBSTITUTE

[law enforcement protective services - law
enforcement transporting persons for mental health
services - effective date]

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

SECTION 1. AMENDATORY 43A O.S. 2011, Section 1-110, as
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:

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

B. A municipal law enforcement agency shall be responsible for
any individual ~~found~~ initially contacted within such municipality's
jurisdiction. The county sheriff shall be responsible for any

1 individual ~~found~~ initially contacted outside of a municipality's
2 jurisdiction, but within the county. For purposes of this section,
3 "initially contacted" shall include, but not be limited to, contact
4 made by a law enforcement officer, firefighter, emergency medical
5 technician (EMT) or health care provider, either in person or by
6 electronic or telephone communication.

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

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

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

1 ~~E.~~ F. Any transportation provided by a sheriff or deputy
2 sheriff 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.~~ G. 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.~~ H. A law enforcement agency shall not be liable for the
16 actions of a peace officer commissioned by the agency when such
17 officer is providing services as a third party pursuant to
18 subsection ~~F~~ G of this section outside his or her primary employment
19 as a peace officer.

20 SECTION 2. This act shall become effective November 1, 2019.

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