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February 19, 2020

COMMITTEE SUBSTITUTE
FOR
SENATE BILL NO. 1606

By: Bullard of the Senate

and

Humphrey of the House

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[ transportation for mental health services by law
enforcement - telemedicine - agreements - effective
date ]
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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. 2019, Section 1-110), is amended to read as follows:

Section 1-110. A. Sheriffs and peace officers shall utilize telemedicine, when such capability is available, to have a person whom the officer reasonably believes is a person requiring treatment, as defined in Section 1-103 of this title, assessed by a licensed mental health professional employed by or under contract with a facility operated by or contracted with the Department of Mental Health and Substance Abuse Services. For the security of the jurisdiction, peace officers shall be responsible for transporting

1 individuals to ~~and from~~ a designated sites site or facilities
2 facility for the purpose of examination, emergency detention, ~~or~~
3 protective custody and inpatient services, upon initial contact.
4 For purposes of this section, "initial contact" shall include, but
5 not be limited to, contact with an individual in need of
6 examination, emergency detention or protective custody made by a law
7 enforcement officer. Initial contact in this section does not
8 include an individual self-presenting at a hospital, medical or
9 mental health treatment center or crisis center.

10 B. A municipal law enforcement agency shall be responsible for
11 any individual found within such municipality's jurisdiction. The
12 county sheriff shall be responsible for any individual found outside
13 of a municipality's jurisdiction, but within the county.

14 C. ~~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~~ Once an
19 individual has either been presented to a treatment facility by a
20 transporting law enforcement officer or has self-presented, the
21 Department of Mental Health and Substance Abuse Services shall be
22 responsible for any subsequent transportation of such individual
23 pending completion of the examination, emergency detention,
24 protective custody or inpatient services.

1 D. Sheriffs and peace officers shall be entitled to
2 reimbursement from the Department of Mental Health and Substance
3 Abuse Services for transportation services associated with minors or
4 adults requiring examination, emergency detention, protective
5 custody and inpatient services.

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

12 F. Nothing in this section shall prohibit a law enforcement
13 agency or the Department of Mental Health and Substance Abuse
14 Services from entering into a lawful agreement with any other law
15 enforcement agency to fulfill the requirements established by this
16 section or from contracting with a third party to provide the
17 services established by this section provided the third party meets
18 minimum standards as determined by the Department. ~~Standards~~
19 ~~determined by the Department shall not exceed the standards required~~
20 ~~by law enforcement.~~

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

SECTION 2. This act shall become effective November 1, 2020.

COMMITTEE REPORT BY: COMMITTEE ON APPROPRIATIONS
February 19, 2020 - DO PASS AS AMENDED