

STATE OF OKLAHOMA

2nd Session of the 58th Legislature (2022)

COMMITTEE SUBSTITUTE
FOR

HOUSE BILL NO. 4082

By: Wallace

COMMITTEE SUBSTITUTE

An Act relating to mental health; amending 43A O.S. 2021, Section 1-110, which relates to law enforcement responsibility for transporting persons for mental health services; limiting transportation to certain area under certain condition; eliminating exclusion from certain definition; clarifying when certain duties are considered completed; and providing an effective date.

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

SECTION 1. AMENDATORY 43A O.S. 2021, Section 1-110, is amended to read as follows:

Section 1-110. A. Sheriffs and peace officers may utilize telemedicine, when such capability is available and is in the possession of the local law enforcement agency, 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, certified by, or contracted with the

1 Department of Mental Health and Substance Abuse Services. To serve
2 the mental health needs of persons of their jurisdiction, peace
3 officers shall be responsible for transporting individuals in need
4 of initial assessment, emergency detention or protective custody
5 from the initial point of contact to the nearest in-state facility,
6 as defined in Section 1-103 of this title, within a thirty-mile
7 radius of the peace officer's operational headquarters. If
8 transportation is needed within the thirty-mile radius, the law
9 enforcement agency that made the initial contact within its
10 jurisdiction shall be responsible for transporting the individual
11 inside the thirty-mile radius. If there is not a facility within a
12 thirty-mile radius of the peace officer's operational headquarters,
13 transportation to a facility shall be completed by either the
14 Department of Mental Health and Substance Abuse Services or an
15 entity contracted by the Department for alternative transportation.
16 For purposes of this section, "initial contact" is defined as
17 contact with an individual in need of assessment, emergency
18 detention or protective custody made by a law enforcement officer.
19 ~~Initial contact in this section does not include an individual self-~~
20 ~~presenting at a facility as defined in Section 1-103 of this title.~~
21 The transportation requirements provided for in this subsection
22 shall be considered completed once a connection has been made with
23 staff of the health care facility and it is apparent the patient is
24 not a harm to themself or others.

1 B. A municipal law enforcement agency shall be responsible for
2 transportation as provided in this act for any individual found
3 within such municipality's jurisdiction. The county sheriff shall
4 be responsible for transportation as provided in this act for any
5 individual found outside of a municipality's jurisdiction, but
6 within the county.

7 C. Once an individual has been presented to the facility, as
8 provided in subsection A of this section, by a transporting law
9 enforcement officer, the transporting law enforcement agency shall
10 be responsible for any subsequent transportation of such individual
11 pending completion of the initial assessment, emergency detention,
12 protective custody or inpatient services within a thirty-mile radius
13 of the peace officer's operational headquarters. All transportation
14 over thirty (30) miles must be completed by either the Department of
15 Mental Health and Substance Abuse Services or an entity contracted
16 by the Department for alternative transportation.

17 D. 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 initial assessment, emergency detention, protective
21 custody and inpatient services.

22 E. Any transportation provided by a sheriff or deputy sheriff
23 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 initial assessment, admission, interfacility transfer, medical
2 treatment or court appearance shall be reimbursed in accordance with
3 the provisions of the State Travel Reimbursement Act.

4 F. Nothing in this section shall prohibit a law enforcement
5 agency or the Department of Mental Health and Substance Abuse
6 Services from entering into a lawful agreement with any other law
7 enforcement agency to fulfill the requirements established by this
8 section or from contracting with a third party to provide the
9 services established by this section provided the third party meets
10 minimum standards as determined by the Department.

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

15 SECTION 2. This act shall become effective November 1, 2022.
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