

1 **HOUSE OF REPRESENTATIVES - FLOOR VERSION**

2 STATE OF OKLAHOMA

3 2nd Session of the 58th Legislature (2022)

4 COMMITTEE SUBSTITUTE
5 FOR
6 HOUSE BILL NO. 4082

By: Wallace of the House

and

7 **Bullard** of the Senate

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10 COMMITTEE SUBSTITUTE

11 An Act relating to mental health; amending 43A O.S.
12 2021, Section 1-110, which relates to law enforcement
13 responsibility for transporting persons for mental
14 health services; limiting transportation to certain
15 area under certain condition; eliminating exclusion
16 from certain definition; clarifying when certain
17 duties are considered completed; and providing an
18 effective date.

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

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

21 Section 1-110. A. Sheriffs and peace officers may utilize
22 telemedicine, when such capability is available and is in the
23 possession of the local law enforcement agency, to have a person
24 whom the officer reasonably believes is a person requiring

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

1 shall be considered completed once a connection has been made with
2 staff of the health care facility and it is apparent the patient is
3 not a harm to themself or others.

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

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

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 initial assessment, 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 initial assessment, admission, interfacility transfer, medical
5 treatment or court appearance shall be reimbursed in accordance with
6 the provisions of the State Travel Reimbursement Act.

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

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

18 SECTION 2. This act shall become effective November 1, 2022.
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20 COMMITTEE REPORT BY: COMMITTEE ON APPROPRIATIONS AND BUDGET, dated
21 03/02/2022 - DO PASS, As Amended and Coauthored.
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