

STATE OF OKLAHOMA

2nd Session of the 58th Legislature (2022)

HOUSE BILL 4082

By: Wallace

AS INTRODUCED

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; assigning certain responsibilities for custody and transportation under certain conditions; 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 Department of Mental Health and Substance Abuse Services. To serve the mental health needs of persons of their jurisdiction, peace officers shall be responsible for transporting individuals in need

1 of initial assessment, emergency detention or protective custody
2 from the initial point of contact to the nearest in-state facility,
3 as defined in Section 1-103 of this title, within a thirty-mile
4 radius of the peace officer's operational headquarters. If there is
5 not a facility within a thirty-mile radius of the peace officer's
6 operational headquarters, transportation to a facility shall be
7 completed by either the Department of Mental Health and Substance
8 Abuse Services or an entity contracted by the Department for
9 alternative transportation. For purposes of this section, "initial
10 contact" is defined as contact with an individual in need of
11 assessment, emergency detention or protective custody made by a law
12 enforcement officer. Initial contact in this section does not
13 include an individual self-presenting at a facility as defined in
14 Section 1-103 of this title who voluntarily consents to treatment.
15 However, law enforcement shall be responsible for taking into
16 protective custody and providing transportation of individuals who
17 self-present at a facility, are determined persons requiring
18 treatment as defined in Section 1-103 of this title, and who after
19 self-presentation are unwilling to voluntarily go into inpatient
20 care.

21 B. A municipal law enforcement agency shall be responsible for
22 transportation as provided in this act for any individual found
23 within such municipality's jurisdiction. The county sheriff shall
24 be responsible for transportation as provided in this act for any

1 individual found outside of a municipality's jurisdiction, but
2 within the county.

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

13 D. Sheriffs and peace officers shall be entitled to
14 reimbursement from the Department of Mental Health and Substance
15 Abuse Services for transportation services associated with minors or
16 adults requiring initial assessment, emergency detention, protective
17 custody and inpatient services.

18 E. Any transportation provided by a sheriff or deputy sheriff
19 or a peace officer on behalf of any county, city, town or
20 municipality of this state, to or from any facility for the purpose
21 of initial assessment, admission, interfacility transfer, medical
22 treatment or court appearance shall be reimbursed in accordance with
23 the provisions of the State Travel Reimbursement Act.

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

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

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

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