

1 **SENATE FLOOR VERSION**

2 April 15, 2025

3 ENGROSSED HOUSE
4 BILL NO. 2137

By: Stinson and Archer of the
House

5 and

6 Pugh of the Senate

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9 An Act relating to criminal procedure; amending 22
10 O.S. 2021, Section 1175.8, which relates to the
11 resumption of competency; requiring the Department of
12 Mental Health and Substance Abuse Services to provide
13 notification to certain parties when seeking to
14 administer medication; providing for the filing of
15 applications for court orders authorizing medication;
16 requiring applications to indicate certain
17 information; requiring hearings to be held within
18 certain time frame; providing an exception; providing
19 list of rights for persons subject to an order
20 requiring the administration of medication; requiring
21 petitioner to provide clear and convincing evidence
22 in application; directing the court to make specific
23 findings of fact; establishing time limitations for
24 administering medications; providing construing
provision; and providing an effective date.

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

SECTION 1. AMENDATORY 22 O.S. 2021, Section 1175.8, is
amended to read as follows:

Section 1175.8. A. If the medical supervisor reports that the
person appears to have achieved competency after a finding of

1 incompetency, the court shall hold another competency hearing to
2 determine if the person has achieved competency. If competency has
3 been achieved, the criminal proceedings shall be resumed.

4 B. If the Department of Mental Health and Substance Abuse
5 Services or designee wishes to administer medication, including
6 psychotropic medication, to a person in custody under the provisions
7 of subsection A of Section 1175.6a of this title and has reason to
8 believe the person lacks the capacity to consent to or refuse
9 medication or the person refuses to take the medication voluntarily,
10 the Department or designee shall notify the court, the prosecuting
11 office who filed the criminal petition, and the attorney for the
12 person. The prosecuting office or the Department or designee may,
13 on behalf of the state, file an application for an order authorizing
14 medication for purposes of competency restoration with the court.
15 Any such application shall also seek authorization to continue
16 medication for purposes of maintaining the level of restoration in
17 jail following competency restoration.

18 C. An application seeking authorization of medication shall
19 indicate:

20 1. If the treating physician of the person believes the person
21 lacks the capacity to make a decision regarding administration of
22 the medication and the reasons for that belief;
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1 2. A summary of the individualized treatment plan of the
2 person, including the specific medications to be potentially
3 administered and the corresponding dosage ranges;

4 3. The diagnosis of the person made by the treating physician;
5 and

6 4. The proposed method for administering the medication and, if
7 the method is not customary, an explanation justifying the departure
8 from the customary method.

9 D. The hearing on the application shall be held no later than
10 thirty (30) days after the filing of the application, unless good
11 cause is shown.

12 E. A person for whom an application for an order to authorize
13 the administration of medication is filed is entitled to:

14 1. An attorney to represent the person at the hearing. If the
15 person cannot afford an attorney, the court shall appoint an
16 attorney;

17 2. Meet with the attorney as soon as is practicable to prepare
18 for the hearing;

19 3. Receive, as soon as practicable after the time the hearing
20 is set, a copy of the application and written notice of the time,
21 place, and date of the hearing;

22 4. Notice of the right to a hearing and right to the assistance
23 of an attorney to prepare for the hearing;

24 5. Be present at the hearing;

1 6. Request from the court an independent expert; and

2 7. Notification at the conclusion of the hearing of the
3 determination made by the court.

4 F. The administration of medication shall not be ordered unless
5 the petitioning party proves by clear and convincing evidence that:

6 1. There exists an important state interest that justifies
7 overriding the lack of consent by the person to the administration
8 of medication;

9 2. Involuntary medication is substantially likely to render the
10 person competent to stand trial and substantially unlikely to have
11 side effects that will interfere significantly with the ability of
12 the person to assist trial counsel;

13 3. Involuntary medication is necessary to further the interests
14 of the state and any alternative, less intrusive treatments are not
15 likely to achieve substantially the same results; and

16 4. The administration of the medication is in the best medical
17 interest of the person in light of the medical condition of the
18 person.

19 G. The court shall make specific findings of fact concerning:

20 1. Each consideration listed under the provisions of subsection
21 F of this section;

22 2. The desires of the person regarding the proposed treatment;
23 and

1 3. The capacity of the person to consent to or refuse
2 medication.

3 H. An order for the administration of medications entered
4 following a hearing conducted pursuant to this section shall be
5 effective for the period of the current involuntary commitment
6 order, and any interim period during which the person is awaiting
7 trial or a hearing on a new petition for involuntary treatment or
8 involuntary medication. The order shall specify all medications to
9 be potentially involuntarily administered and corresponding dosage
10 ranges.

11 I. Nothing in this section shall be construed to invalidate,
12 prohibit, or alter the administration of medication to a person
13 under other laws or regulations of this state.

14 SECTION 2. This act shall become effective November 1, 2025.

15 COMMITTEE REPORT BY: COMMITTEE ON JUDICIARY
16 April 15, 2025 - DO PASS
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