

1 STATE OF OKLAHOMA

2 2nd Session of the 60th Legislature (2026)

3 SENATE BILL 2179

By: Haste

6 AS INTRODUCED

7 An Act relating to criminal procedure; requiring the
8 Department of Mental Health and Substance Abuse
9 Services to prepare certain individualized service
10 plan; requiring certain psychological evaluation;
11 providing timing requirements; stipulating
12 requirements for development of plan; requiring
13 evidentiary hearing under certain conditions;
14 providing for incorporation of plan into court's
15 disposition; requiring plan to be signed by certain
individuals; describing plan; specifying contents and
standards of plan; requiring certain periodic review
hearings; specifying certain review procedures;
providing for early review under certain condition;
providing certain construction; imposing certain duty
on the Department; providing for codification; and
providing an effective date.

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

18 SECTION 1. NEW LAW A new section of law to be codified
19 in the Oklahoma Statutes as Section 1161.1 of Title 22, unless there
20 is created a duplication in numbering, reads as follows:

21 A. The Department of Mental Health and Substance Abuse Services
22 shall prepare and maintain a written individualized service plan for
23 any person who has been adjudicated to be not guilty by reason of
24 mental illness (NGRI/MI) as provided by this section. Upon

1 admission of such person, the Department shall conduct a
2 comprehensive psychological evaluation to include any relevant
3 psychological testing, structured risk assessment, and treatment
4 recommendations. The evaluation shall be conducted by a board
5 certified or board eligible forensically trained psychiatrist.

6 B. The individualized service plan shall be furnished to the
7 court within forty-five (45) days after the adjudication of the
8 person and shall be made available to counsel for the parties.

9 C. 1. The individualized service plan shall be based upon the
10 comprehensive psychological and psychiatric evaluation described in
11 subsection A of this section together with any other collateral
12 information and shall be developed with the participation of the
13 person and his or her support system as deemed appropriate and
14 legally authorized. The individualized service plan shall further
15 the protection of the public and the health and safety of the
16 individual.

17 2. If any part of the plan is disputed or denied by the court,
18 an evidentiary hearing may be held. At the conclusion of the
19 hearing, the court shall determine the contents of the
20 individualized service plan in accord with the evidence presented
21 and the best interests of the individual.

22 3. When approved by the court, each individualized service plan
23 shall be incorporated and made a part of the dispositional order of
24 the court.

4. The plan shall be signed by:

a. the individual,

b. the attorney for the individual,

c. the treating physician of the Department, and

d. the medical director of the Department for the NGRI/MI population.

D. Every service plan prepared shall be individualized and

specific to each individual. The individualized service plan:

1. Shall be written in simple and clear English. If English is not the principal language of the individual, and such person is unable to read or comprehend the English language, to the extent possible the plan shall be written in the principal language of the person;

2. May be modified based on changing circumstances consistent with the identified needs of the individual and the protection of the public;

3. Shall be measurable, realistic, and consistent with the requirements of other court orders; and

4. Shall follow clinical standards of forensic mental health service delivery by qualified mental health providers.

E. The individualized service plan shall include, but not be limited to:

1. A statement of the incident facts upon which the individual was found to be not guilty by reason of mental illness;

1 2. A history of the individual and his or her family, including
2 previous mental health and substance use related incidents,
3 treatment episodes, and diagnosis;

4 3. Identification of services to be provided to the individual,
5 to include evidence-based clinical services, psychotropic
6 medication, psychotherapy and therapeutic intervention,
7 psychoeducation, educational or vocational services, and any other
8 clinical activities deemed relevant and necessary to minimize
9 symptom impairment from their severe mental disease and maximize
10 functioning;

11 4. Structured standardized risk assessments, which shall be
12 completed at a minimum annually by qualified forensic examiners;

13 5. The most recent available health, mental health,
14 educational, and justice system records of the individual, which
15 shall be provided to the court upon the court's request including:

- 16 a. the names and addresses of the individual's providers,
- 17 b. information regarding special education, disability
18 services, or other relevant and known information
19 pertaining to disability, if applicable,
- 20 c. the individual's known medical problems, including any
21 known communicable diseases,
- 22 d. the individual's medications, and
- 23 e. any other relevant health, mental health and substance
24 use, and education information;

1 6. A schedule of the frequency of services and the means by
2 which delivery of the services will be assured or, as necessary, the
3 proposed means by which support services or other assistance will be
4 provided to enable the individual to obtain the services;

5 7. The name of the social worker or case manager assigned to
6 the case;

7 8. The name and business address of the attorney representing
8 the individual;

9 9. The name of the psychiatrists rendering treatment;

10 10. The name of the licensed clinician rendering therapeutic
11 interventions; and

12 11. The name of the patient advocate for the individual.

13 F. The court shall conduct periodic review hearings following
14 the adoption of the individualized service plan. The Department
15 shall prepare a report to the court ten (10) days prior to each
16 review hearing, which shall be provided to the court, counsel for
17 the individual, the district attorney, and the Forensic Review
18 Board. The court is not limited in the number or frequency of
19 review hearings it may conduct in reviewing the status of the
20 individual except as follows:

21 1. In the first year following the initial adoption of the
22 individualized service plan, the court shall conduct no less than
23 four quarterly review hearings and require updated reports to be
24 submitted; and

2. In the second and subsequent years, as necessary, the court shall conduct no less than two semiannual review hearings. The court may schedule more depending upon the facts and circumstances of each case. The court may conduct more frequent hearings if the individual is demonstrating progress in treatment.

G. 1. If, in the opinion of the court, the individual has made significant progress in treatment, the court may require the Forensic Review Board to conduct its annual review earlier so that the court may make subsequent decisions upon the continued treatment and placement of the individual.

2. In its review of the individual's case, the court shall give consideration to concerns for the safety of the public based upon a current risk assessment, the underlying facts resulting in the individual's adjudication of being not guilty by reason of mental illness, the progress of the individual according to the service plan, the recommendations of the treatment provider or providers, and the input of any affected victims.

3. Prior to the hearing, counsel for the individual shall meet with the individual in person or by remote video means to discuss the Department's report to the court.

4. Nothing in this section shall preclude:

a. the Department, the court, counsel for the individual, or the district attorney from requesting an

accelerated review hearing based upon a change in circumstances for the individual, or

b. an individual who is already in the care, custody, control, and supervision of the Department from requesting a review hearing for the purpose of establishing a written individualized service plan in accordance with this section.

H. The Department shall ensure that all individuals, previously adjudicated as not guilty by reason of mental illness and within its care, custody, control, and supervision, have a written individualized service plan in accordance with this section. The individualized service plan shall be filed of record in the case prior to the next scheduled review hearing, unless granted leave of the court due to limited time constraints, but in no circumstances more than one year after the effective date of this act.

SECTION 2. This act shall become effective November 1, 2026.

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