

STATE OF OKLAHOMA

1st Session of the 60th Legislature (2025)

SENATE BILL 812

By: Daniels

AS INTRODUCED

An Act relating to mental health; amending 43A O.S. 2021, Section 1-110, as last amended by Section 1, Chapter 134, O.S.L. 2024 (43A O.S. Supp. 2024, Section 1-110), which relates to transporting persons for mental health services; creating certain exception; defining term; 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, as last amended by Section 1, Chapter 134, O.S.L. 2024 (43A O.S. Supp. 2024, Section 1-110), is amended to read as follows:

Section 1-110. A. As an alternative to transport under subsection B of this section for the sole purpose of initial assessment of a person who the officer reasonably believes is a person requiring treatment, as defined in Section 1-103 of this title, sheriffs and peace officers may request an assessment at the point of initial contact by the Department of Mental Health and Substance Abuse Services. To conduct the assessment, the Department may utilize:

1        1. Telemedicine, when such capability is available through a  
2 mobile computing device in the possession of the local law  
3 enforcement agency, to have the person assessed by a licensed mental  
4 health professional employed by or under contract with a facility  
5 operated by, certified by, or contracted with the Department; or

6        2. An in-person assessment by a licensed mental health  
7 professional on a mobile crisis response team or who is employed by  
8 or under contract with a facility operated by, certified by, or  
9 contracted with the Department.

10       B. 1. To serve the mental health needs of persons of their  
11 jurisdiction, peace officers shall be responsible for transporting  
12 individuals in need of:

13           a. initial assessment, except when the individual has  
14           been assessed at the point of initial contact by the  
15           Department under subsection A of this section, or

16           b. emergency detention or protective custody under  
17           Section 5-207 of this title, unless the officer has  
18           already transported the individual to the facility for  
19           initial assessment,

20 from the point of initial contact to the nearest facility, as  
21 defined in Section 1-103 of this title, that is appropriate for  
22 initial assessment or treatment of the individual within a thirty-  
23 mile radius of the peace officer's operational headquarters.

1       2. Transportation to the nearest appropriate facility shall be  
2 completed by either the Department of Mental Health and Substance  
3 Abuse Services or an entity contracted by the Department for  
4 alternative transportation if:

- 5           a. there is not an appropriate facility within a thirty-  
6               mile radius of the peace officer's operational  
7               headquarters, or
- 8           b. the officer has already transported the individual to  
9               an appropriate facility for initial assessment.

10       3. For purposes of this section, "initial contact" is defined  
11 as contact with an individual in need of assessment, emergency  
12 detention, or protective custody made by a law enforcement officer.  
13 Initial contact in this section does not include an individual self-  
14 presenting at a facility as defined in Section 1-103 of this title.

15       4. When an individual self-presents at a facility as defined in  
16 Section 1-103 of this title or at a medical facility and is placed  
17 into protective custody under Section 5-207 of this title due to a  
18 determination that the individual is a person requiring treatment as  
19 defined in Section 1-103 of this title, and if transport to another  
20 facility is needed for initial assessment or treatment, the person  
21 shall be transported to the nearest appropriate facility by the  
22 Department or an entity contracted by the Department for alternative  
23 transportation.

1        5. When an individual self-presents at a facility as defined in  
2 Section 1-103 of this title or at a medical facility and is not  
3 placed into protective custody under Section 5-207 of this title,  
4 but consents to voluntary transport to a facility as defined in  
5 Section 1-103 of this title for treatment, transport or the  
6 arrangement of transport shall be the responsibility of the facility  
7 receiving the individual, unless the individual chooses to arrange  
8 his or her own transportation.

9        6. ~~The~~ Except for unaccompanied minors, the transportation  
10 requirements provided by this subsection, to the extent such  
11 requirements are applicable to peace officers, shall be considered  
12 fulfilled once the person has been transported to the facility, the  
13 officer has made contact with the appropriate staff of the facility,  
14 and the staff of the facility have determined that the patient does  
15 not present a clear or immediate threat to his or her own safety or  
16 to the safety of the staff of the facility. Once custody of the  
17 individual has been transferred to the appropriate facility staff,  
18 the peace officer shall not be required to remain at the facility  
19 with the individual pending initial assessment or treatment. For  
20 the purposes of this section, "unaccompanied minor" means any person  
21 under eighteen (18) years of age who is transported to a facility  
22 pursuant to this section without his or her parent or legal  
23 guardian.

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

7 D. Once an individual has been presented to an appropriate  
8 facility as provided in subsection B of this section, the Department  
9 of Mental Health and Substance Abuse Services or an entity  
10 contracted by the Department shall be responsible for any subsequent  
11 transportation of such individual.

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

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

23 G. Nothing in this section shall prohibit a law enforcement  
24 agency or the Department of Mental Health and Substance Abuse

1 Services from entering into a lawful agreement with any other law  
2 enforcement agency to fulfill the requirements established by this  
3 section or from contracting with a third party to provide the  
4 services established by this section, provided the third party meets  
5 minimum standards as determined by the Department.

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

10 I. 1. For purposes of transportation completed by the  
11 Department of Mental Health and Substance Abuse Services or an  
12 entity contracted by the Department as required by this section, the  
13 use of mechanical restraints shall not be applied to an individual  
14 being transported unless:

- 15 a. the individual being transported physically assaults  
16 or attempts to physically assault the person lawfully  
17 conducting the transportation of the individual  
18 pursuant to the provisions of this section and the  
19 person lawfully conducting the transportation believes  
20 such restraints are necessary for the safety of  
21 himself or herself or the protection of others,
- 22 b. the individual being transported attempts or causes  
23 serious physical injury to self and the person  
24 lawfully conducting the transportation believes such

1            restraints are necessary for the safety of the  
2            individual being transported, or  
3            c.    the individual being transported has a propensity  
4            toward violence as indicated by past transports,  
5            criminal charges, or mental health history and as  
6            identified in the transport request form, and the  
7            person lawfully conducting the transportation believes  
8            such restraints are necessary for the safety of  
9            himself or herself, for the safety of the individual  
10           being transported, or for the protection of others.

11           2.    The mechanical restraint shall be continued for no longer  
12           than is necessary under the circumstances described in paragraph 1  
13           of this subsection. Every use of a mechanical restraint, the  
14           reasons, and the length of time, shall be made a part of the  
15           clinical record of the consumer under the signature of the  
16           individual responsible for the transportation as required by this  
17           section.

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

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