

1 STATE OF OKLAHOMA

2 1st Session of the 60th Legislature (2025)

3 POLICY COMMITTEE
4 RECOMMENDATION

5 FOR

6 HOUSE BILL NO. 2137

7 By: Stinson

8 POLICY COMMITTEE RECOMMENDATION

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
incompetency, the court shall hold another competency hearing to

1 determine if the person has achieved competency. If competency has
2 been achieved, the criminal proceedings shall be resumed.

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

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

19 1. If the treating physician of the person believes the person
20 lacks the capacity to make a decision regarding administration of
21 the medication and the reasons for that belief;

22 2. A summary of the individualized treatment plan of the
23 person, including the specific medications to be potentially
24 administered and the corresponding dosage ranges;

1 3. The diagnosis of the person made by the treating physician;
2 and

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

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

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

11 1. An attorney to represent the person at the hearing. If the
12 person cannot afford an attorney, the court shall appoint an
13 attorney;

14 2. Meet with the attorney as soon as is practicable to prepare
15 for the hearing;

16 3. Receive, as soon as practicable after the time the hearing
17 is set, a copy of the application and written notice of the time,
18 place, and date of the hearing;

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

21 5. Be present at the hearing;

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

23 7. Notification at the conclusion of the hearing of the
24 determination made by the court.

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

3 1. There exists an important state interest that justifies
4 overriding the lack of consent by the person to the administration
5 of medication;

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

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

13 4. The administration of the medication is in the best medical
14 interest of the person in light of the medical condition of the
15 person.

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

17 1. Each consideration listed under the provisions of subsection
18 F of this section;

19 2. The desires of the person regarding the proposed treatment;
20 and

21 3. The capacity of the person to consent to or refuse
22 medication.

23 H. An order for the administration of medications entered
24 following a hearing conducted pursuant to this section shall be

1 effective for the period of the current involuntary commitment
2 order, and any interim period during which the person is awaiting
3 trial or a hearing on a new petition for involuntary treatment or
4 involuntary medication. The order shall specify all medications to
5 be potentially involuntarily administered and corresponding dosage
6 ranges.

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

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

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