| 1 | HOUSE OF REPRESENTATIVES - FLOOR VERSION | | |
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| 2 | STATE OF OKLAHOMA | | |
| 3 | 1st Session of the 59th Legislature (2023) | | |
| 4 | COMMITTEE SUBSTITUTE | | |
| 5 | FOR HOUSE BILL NO. 2746 By: Miller, Dollens, and Schreiber of the House | | |
| 6 | and | | |
| 7 | Kirt of the Senate | | |
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| 10 | COMMITTEE SUBSTITUTE | | |
| 11 | An Act relating to guardianships; creating the Courtney Smith Act; defining terms; allowing for the | | |
| 12 | transportation of a ward to an inpatient treatment facility; requiring certain conditions; creating restriction; providing for codification; and | | |
| 13 | | | |
| 14 | providing an effective date. | | |
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| 16 | BE IT ENACTED BY THE PEOPLE OF THE STATE OF OKLAHOMA: | | |
| 17 | SECTION 1. NEW LAW A new section of law to be codified | | |
| 18 | in the Oklahoma Statutes as Section 30 of Title 30, unless there is | | |
| 19 | created a duplication in numbering, reads as follows: | | |
| 20 | This act shall be known and may be cited as the "Courtney Smith | | |
| 21 | Act". | | |
| 22 | SECTION 2. NEW LAW A new section of law to be codified | | |
| 23 | in the Oklahoma Statutes as Section 31 of Title 30, unless there is | | |
| 24 | created a duplication in numbering, reads as follows: | | |

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A. As used in this act:

"General guardianship" means a relationship where a person
 has been appointed by a court to serve as the guardian of an
 incapacitated person to ensure that the essential requirements for
 the health and safety of the person are met, to manage the estate or
 financial resources of the person, or both;

7 2. "Gravely disabled" means a condition in which a person,
8 because of a mental illness, is unable to provide for his or her
9 basic personal needs for food, clothing, or shelter;

10 3. "Inpatient mental health treatment" means a treatment 11 service offered or provided for a continuous period of more than 12 twenty-four (24) hours in residence after admission to a mental 13 health or substance abuse treatment facility for the purpose of 14 observation, evaluation, or treatment; and

4. "Ward" means a person over whom a guardian is appointed anda person over whose property a guardian or conservator is appointed.

B. A guardian who has general guardianship and who has obtained an order by a court for inpatient mental health treatment for the ward may apply for an order requiring either municipal or county officials to retrieve, only if in an unsheltered environment, and deliver the gravely disabled ward to an inpatient treatment facility, pursuant to Section 1-110 of Title 43A of the Oklahoma Statutes, when one of the following criteria are met:

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| 1 | 1. The w | ard is unable to utilize the means available to provide |
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| 2 | for his or he | r basic personal needs regarding food, clothing, or |
| 3 | shelter. Con | siderations that shall be made when making this |
| 4 | evaluation sh | all include, but not be limited to, the following: |
| 5 | a. | whether lab examinations reveal signs of malnutrition |
| 6 | | or dehydration, |
| 7 | b. | whether there is observed, documented behavior showing |
| 8 | | an inability to consume adequate amounts of food or |
| 9 | | water due to a mental illness, |
| 10 | с. | whether there is a history of public nudity or |
| 11 | | inadvertent exhibitionism which has been observed and |
| 12 | | documented and is due to a mental illness, |
| 13 | d. | the existence of physical evidence of exposure to the |
| 14 | | environment due to mental illness symptoms which |
| 15 | | prevent the ward from wearing adequate clothing, |
| 16 | e. | whether there is observed behavior and symptoms of a |
| 17 | | mental illness which prevent the ward from utilizing |
| 18 | | or obtaining adequate shelter, |
| 19 | f. | the existence of a repeated and recent history of |
| 20 | | failure to maintain adequate shelter in the community |
| 21 | | due to behaviors and symptoms of a mental illness, or |
| 22 | g. | evidence of a failure to maintain a shelter in a |
| 23 | | manner that is safe to live in, due to symptoms of a |
| 24 | | mental illness; |
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| 1 | 2. The ward is unable to voluntarily request and receive |
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| 2 | assistance for his or her basic personal needs; or |
| 3 | 3. The ward is unable to survive safely without involuntary |
| 4 | detention and does not have the help of family members, friends, or |
| 5 | others to provide the ward's basic personal needs regarding food, |
| 6 | clothing, or shelter. |
| 7 | C. No person shall be presumed to be incompetent because the |
| 8 | person has been evaluated or treated for a mental illness, |
| 9 | regardless of whether such evaluation or treatment was voluntarily |
| 10 | or involuntarily received. |
| 11 | SECTION 3. This act shall become effective November 1, 2023. |
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| 13 | COMMITTEE REPORT BY: COMMITTEE ON JUDICIARY - CIVIL, dated 03/02/2023 - DO PASS, As Amended and Coauthored. |
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