

1 ENGROSSED SENATE  
2 BILL NO. 1606

By: Bullard and Weaver of the  
Senate

3 and

4 Humphrey of the House

5  
6  
7 [ transportation for mental health services by law  
8 enforcement - telemedicine - agreements - effective  
9 date ]

10  
11 BE IT ENACTED BY THE PEOPLE OF THE STATE OF OKLAHOMA:

12 SECTION 1. AMENDATORY 43A O.S. 2011, Section 1-110, as  
13 last amended by Section 1, Chapter 374, O.S.L. 2016 (43A O.S. Supp.  
14 2019, Section 1-110), is amended to read as follows:

15 Section 1-110. A. Sheriffs and peace officers shall utilize  
16 telemedicine, when such capability is available, to have a person  
17 whom the officer reasonably believes is a person requiring  
18 treatment, as defined in Section 1-103 of this title, assessed by a  
19 licensed mental health professional employed by or under contract  
20 with a facility operated by or contracted with the Department of  
21 Mental Health and Substance Abuse Services. For the security of the  
22 jurisdiction, peace officers shall be responsible for transporting  
23 individuals to ~~and from~~ the nearest designated ~~sites~~ site or  
24 ~~facilities~~ facility for the purpose of examination, emergency

1 ~~detention, or protective custody and inpatient services, upon~~  
2 initial contact. For purposes of this section, "initial contact"  
3 shall include, but not be limited to, contact with an individual in  
4 need of examination, emergency detention or protective custody made  
5 by a law enforcement officer. Initial contact in this section does  
6 not include an individual self-presenting at a hospital, medical or  
7 mental health treatment center or crisis center.

8 B. A municipal law enforcement agency shall be responsible for  
9 any individual found within such municipality's jurisdiction. The  
10 county sheriff shall be responsible for any individual found outside  
11 of a municipality's jurisdiction, but within the county.

12 C. ~~The law enforcement agency transporting an individual to and~~  
13 ~~from designated sites or facilities pursuant to the provisions of~~  
14 ~~this section shall maintain responsibility for the transportation of~~  
15 ~~such individual pending completion of the examination, emergency~~  
16 ~~detention, protective custody and inpatient services~~ Once an  
17 individual has either been presented to a treatment facility by a  
18 transporting law enforcement officer or has self-presented, the  
19 Department of Mental Health and Substance Abuse Services shall be  
20 responsible for any subsequent transportation of such individual  
21 pending completion of the examination, emergency detention,  
22 protective custody or inpatient services.

23 D. Sheriffs and peace officers shall be entitled to  
24 reimbursement from the Department of Mental Health and Substance

1 Abuse Services for transportation services associated with minors or  
2 adults requiring examination, emergency detention, protective  
3 custody and inpatient services.

4 E. Any transportation provided by a sheriff or deputy sheriff  
5 or a peace officer on behalf of any county, city, town or  
6 municipality of this state, to or from any facility for the purpose  
7 of examination, admission, interfacility transfer, medical treatment  
8 or court appearance shall be reimbursed in accordance with the  
9 provisions of the State Travel Reimbursement Act.

10 F. Nothing in this section shall prohibit a law enforcement  
11 agency or the Department of Mental Health and Substance Abuse  
12 Services from entering into a lawful agreement with any other law  
13 enforcement agency to fulfill the requirements established by this  
14 section or from contracting with a third party to provide the  
15 services established by this section provided the third party meets  
16 minimum standards as determined by the Department. ~~Standards~~  
17 ~~determined by the Department shall not exceed the standards required~~  
18 ~~by law enforcement.~~

19 G. A law enforcement agency shall not be liable for the actions  
20 of a peace officer commissioned by the agency when such officer is  
21 providing services as a third party pursuant to subsection F of this  
22 section outside his or her primary employment as a peace officer.

23 SECTION 2. This act shall become effective November 1, 2020.

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1 Passed the Senate the 26th day of February, 2020.

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3 \_\_\_\_\_  
4 Presiding Officer of the Senate

5 Passed the House of Representatives the \_\_\_\_ day of \_\_\_\_\_,  
6 2020.

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8 \_\_\_\_\_  
9 Presiding Officer of the House  
10 of Representatives