

1 STATE OF OKLAHOMA

2 1st Session of the 57th Legislature (2019)

3 SENATE BILL NO.609

By: Bullard

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5  
6 AS INTRODUCED

7 An Act relating to law enforcement protective  
8 services; amending 43A O.S. 2011, Section 1-110, as  
9 last amended by Section 1, Chapter 374, O.S.L. 2016  
10 (43A O.S. Supp. 2018, Section 1-110), which relates  
11 to law enforcement transporting persons for mental  
12 health services; modifying provisions; providing  
13 definition; modifying reimbursement rates for certain  
14 transportation; and providing an effective date.

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

16 SECTION 1. AMENDATORY 43A O.S. 2011, Section 1-110, as  
17 last amended by Section 1, Chapter 374, O.S.L. 2016 (43A O.S. Supp.  
18 2018, Section 1-110), is amended to read as follows:

19 Section 1-110. A. Sheriffs and peace officers shall be  
20 responsible for transporting individuals to and from designated  
21 sites or facilities for the purpose of examination, emergency  
22 detention, protective custody and inpatient services.

23 B. A municipal law enforcement agency shall be responsible for  
24 any individual found or initially contacted within such  
25 municipality's jurisdiction. The county sheriff shall be  
26 responsible for any individual found or initially contacted outside

1 of a municipality's jurisdiction, but within the county. For  
2 purposes of this section, "initially contacted" shall include, but  
3 not be limited to, contact made by a law enforcement officer,  
4 firefighter, emergency management technician (EMT) or health care  
5 provider, either in person or by electronic or telephone  
6 communication.

7 C. The law enforcement agency transporting an individual to and  
8 from designated sites or facilities pursuant to the provisions of  
9 this section shall maintain responsibility for the transportation of  
10 such individual pending completion of the examination, emergency  
11 detention, protective custody and inpatient services.

12 D. 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 examination, emergency detention, protective  
16 custody and inpatient services.

17 E. 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 examination, admission, interfacility transfer, medical treatment  
21 or court appearance, within a twenty-mile radius from the  
22 transporting sheriff's office, shall be reimbursed in accordance  
23 with the provisions of the State Travel Reimbursement Act. Any  
24 transportation provided outside a twenty-mile radius from the

1 transporting sheriff's office shall be reimbursed at a rate  
2 negotiated with the Department of Mental Health and Substance Abuse  
3 Services prior to transporting to or from any facility.

4 F. Nothing in this section shall prohibit a law enforcement  
5 agency from entering into a lawful agreement with any other law  
6 enforcement agency to fulfill the requirements established by this  
7 section or from contracting with a third party to provide the  
8 services established by this section provided the third party meets  
9 minimum standards as determined by the Department. Standards  
10 determined by the Department shall not exceed the standards required  
11 by law enforcement.

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

16 SECTION 2. This act shall become effective November 1, 2019.

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