

1 **SENATE FLOOR VERSION**

2 February 27, 2019

3 COMMITTEE SUBSTITUTE  
4 FOR

5 SENATE BILL NO. 609

By: Bullard of the Senate

and

Humphrey of the House

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8  
9 [ law enforcement protective services - law  
10 enforcement transporting persons for mental health  
11 services - effective date ]  
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13 BE IT ENACTED BY THE PEOPLE OF THE STATE OF OKLAHOMA:

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

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

21 B. A municipal law enforcement agency shall be responsible for  
22 any individual ~~found~~ initially contacted within such municipality's  
23 jurisdiction. The county sheriff shall be responsible for any  
24 individual ~~found~~ initially contacted outside of a municipality's

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

6 C. A licensed mental health professional shall be responsible  
7 for documenting the location of presentation or initial contact of  
8 the person in need of treatment to determine jurisdiction for the  
9 responsible transporting agency. If the licensed mental health  
10 professional is unable to determine the location of initial contact,  
11 the law enforcement agency where the individual is located is  
12 responsible for transportation.

13 D. The law enforcement agency transporting an individual to and  
14 from designated sites or facilities pursuant to the provisions of  
15 this section shall maintain responsibility for the transportation of  
16 such individual pending completion of the examination, emergency  
17 detention, protective custody and inpatient services.

18 ~~D.~~ E. Sheriffs and peace officers shall be entitled to  
19 reimbursement from the Department of Mental Health and Substance  
20 Abuse Services for transportation services associated with minors or  
21 adults requiring examination, emergency detention, protective  
22 custody and inpatient services.

23 ~~E.~~ F. Any transportation provided by a sheriff or deputy  
24 sheriff or a peace officer on behalf of any county, city, town or

1 municipality of this state, to or from any facility for the purpose  
2 of examination, admission, interfacility transfer, medical treatment  
3 or court appearance shall be reimbursed in accordance with the  
4 provisions of the State Travel Reimbursement Act.

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

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

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

19 COMMITTEE REPORT BY: COMMITTEE ON APPROPRIATIONS  
20 February 27, 2019 - DO PASS AS AMENDED  
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