

1 B. 1. Any peace officer who reasonably believes that a person
2 is a person requiring treatment as defined in Section 1-103 of this
3 title shall take the person into protective custody. The officer
4 shall make every reasonable effort to take the person into custody
5 in the least conspicuous manner.

6 2. Upon taking the person into protective custody, the officer
7 may relinquish custody of the person believed to require treatment
8 to a duly qualified reserve officer or deputy employed by the same
9 agency to fulfill the officer's duties as required by this title.

10 C. The officer shall prepare a written statement indicating the
11 basis for the officer's belief that the person is a person requiring
12 treatment and the circumstances under which the officer took the
13 person into protective custody. The officer shall give a copy of
14 the statement to the person or the person's attorney upon the
15 request of either. If the officer does not make the determination
16 to take an individual into protective custody on the basis of the
17 officer's personal observation, the officer shall not be required to
18 prepare a written statement. However, the person stating to be
19 mentally ill, alcohol-dependent, or drug-dependent or the person
20 upon whose statement the officer relies shall sign a written
21 statement indicating the basis for such person's belief that the
22 person is a person requiring treatment. Any false statement given
23 to the officer by the person upon whose statement the officer relies
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1 shall be a misdemeanor and subject to the sanctions of Title 21 of
2 the Oklahoma Statutes.

3 D. If the person is medically stable, the officer shall
4 immediately transport the person to the nearest facility designated
5 by the Commissioner of Mental Health and Substance Abuse Services as
6 an appropriate facility for an initial assessment or have the
7 individual assessed by a licensed mental health professional
8 employed by or under contract with a facility as defined in Section
9 1-103 of this title or a community mental health center via
10 telemedicine if such capability is available. If, subsequent to an
11 initial assessment, it is determined that emergency detention is
12 warranted, the officer shall transport the person to the nearest
13 facility, designated by the Commissioner as appropriate for such
14 detention, that has bed space available. If it is determined by the
15 facility director or designee that the person is not medically
16 stable, the officer shall transport the person to the nearest
17 hospital or other appropriate treatment facility.

18 E. If the person is medically unstable, the person may be
19 transported to an appropriate medical facility for medical
20 treatment. A treating physician may authorize that the person be
21 detained until the person becomes medically stable. When the person
22 becomes medically stable, if in the opinion of the treating or
23 discharging physician, the patient is still a person requiring
24 treatment as defined in Section 1-103 of this title, the physician

1 shall authorize detention of the patient for transportation as
2 provided in subsection D of this section by an appropriate law
3 enforcement agency.

4 F. If the nearest facility designated by the Commissioner as an
5 appropriate facility for an initial assessment or detention is in
6 excess of fifty (50) miles from the county seat of the county in
7 which the person is located, and whenever, as provided in paragraph
8 (b) of Article III of Section 6-201 of this title, there are factors
9 based upon clinical determinations made within the state indicating
10 that the care and treatment of the person would be facilitated or
11 improved thereby, the person may be transported by the officer to a
12 facility in another state if the facility:

13 1. Is located in a state that has enacted into law and entered
14 into the Interstate Compact on Mental Health;

15 2. Is designated or accredited by the mental health authorities
16 of that state as an appropriate facility for an initial assessment
17 or detention of such person;

18 3. Is accredited by the Joint Commission;

19 4. Is the nearest available facility to the county seat of the
20 county in which the person is located; and

21 5. Has agreed prior to the person leaving the state to receive
22 the person for initial assessment or detention.

23 G. The parent, brother or sister who is eighteen (18) years of
24 age or older, child who is eighteen (18) years of age or older, or

1 guardian of the person, or a person who appears to be or states that
2 such person is mentally ill, alcohol-dependent, or drug-dependent to
3 a degree that emergency action is necessary may request the
4 administrator of a facility designated by the Commissioner as an
5 appropriate facility for an initial assessment to conduct an initial
6 assessment to determine whether the condition of the person is such
7 that emergency detention is warranted and, if emergency detention is
8 warranted, to detain the person as provided in Section 5-206 of this
9 title.

10 SECTION 2. This act shall become effective November 1, 2021.

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12 COMMITTEE REPORT BY: COMMITTEE ON CRIMINAL JUSTICE AND CORRECTIONS,
13 dated 03/25/2021 - DO PASS.

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