ENGR. H. B. NO. 2157

By: Roe, Deck, Rosecrants, Menz, and Strom of the House

and

McCortney of the Senate

An Act relating to mental health; amending 43A O.S. 2021, Sections 5-202 and 5-207, as amended by Section 3, Chapter 297, O.S.L. 2022 (43A O.S. Supp. 2022, Section 5-207), which relate to the Local Law Enforcement Mental Health Manpower Act; prescribing procedures related to certain mental health evaluations; providing for imposition of costs after expiration of certain period; removing the provision stating that an officer does not have to make a written statement if the officer does not take an individual into protective custody; creating the Shannon Hanchett Act; encouraging twenty percent of active-duty peace officers in Oklahoma to complete crisis intervention training; authorizing peace officers to take individuals into custody and place them in a county detention center without a mental health evaluation if no immediate emergency mental health treatment is necessary; providing for codification; and providing an effective date.

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

SECTION 1. AMENDATORY 43A O.S. 2021, Section 5-202, is amended to read as follows:

Section 5-202. A. When any person alleged in any court to be mentally ill, alcohol-dependent, or drug-dependent, or shall have been adjudged to be mentally ill, alcohol-dependent, or drug-dependent and shall be in the legal custody of the county sheriff as
prescribed by law, if such person has not been charged with
commission of a crime, the said county sheriff is hereby authorized
to confine such person in a place other than the county jail to be
selected by said county sheriff and to transport such person to the
place selected; provided that such confinement shall be in a place
and manner so as to prevent such confined person from in any way
endangering himself or any other person. The county is hereby
directed to expend such funds as may be necessary to provide for
such confinement outside the county jail. Specific authority is
hereby granted the county sheriff and the county commissioners to
enter into a contract with a nursing home or facility as a place of
detention. Other departments and agencies of the state may not
interfere with nor deter, in any manner, this right to contract.

B. If a mental health evaluation of a confined individual is
requested by any county jail, the Department of Mental Health and
Substance Abuse Services shall have twenty-four (24) hours to make
contact with the confined individual to determine if the confined
individual is in need of mental health treatment. The Department of
Mental Health and Substance Abuse Services shall then have an
additional twenty-four (24) hours to locate a secure bed, if deemed
appropriate. If a secure bed is not located within the twenty-four-
hour period, the Department of Mental Health and Substance Abuse
Services shall be responsible for the cost of housing the confined
individual in the county jail determined by the average daily cost
of housing an individual in a state mental health facility.

SECTION 2. AMENDATORY 43A O.S. 2021, Section 5-207, as
amended by Section 3, Chapter 297, O.S.L. 2022 (43A O.S. Supp. 2022,
Section 5-207), is amended to read as follows:

Section 5-207. A. Any person who appears to be or states that
such person is mentally ill, alcohol-dependent, or drug-dependent to
a degree that immediate emergency action is necessary may be taken
into protective custody and detained as provided pursuant to the
provisions of this section. Nothing in this section shall be
construed as being in lieu of prosecution under state or local
statutes or ordinances relating to public intoxication offenses.

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

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

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

D. If the person is medically stable, the officer shall immediately transport the person to an urgent recovery clinic or to the nearest facility, as defined in Section 1-103 of this title, for an initial assessment within a thirty (30) mile radius of the peace officer's operational headquarters, or may use telemedicine with a licensed mental health professional employed or under contract with a facility operated by, certified by or contracted with the Department of Mental Health and Substance Abuse Services to perform an initial assessment. If, subsequent to an initial assessment, it is determined that emergency detention is warranted, the officer shall immediately transport the person to the nearest facility that
has bed space available if the facility is within thirty (30) miles of the peace officer's operational headquarters and the individual was determined to be a person requiring treatment. The Department of Mental Health and Substance Abuse Services may contract for the use of alternative transportation providers to transport individuals to facilities designated for emergency detention when the nearest facility with available bed space is more than thirty (30) miles from the peace officer's operational headquarters and the individual was determined to be a person requiring treatment. For the purposes of this section, "urgent recovery clinics" means clinics that offer voluntary services aimed at the assessment and immediate stabilization of acute symptoms of mental illness, alcohol and other drug abuse and emotional distress; provided that, unless the person consents to a longer duration, no more than twenty-three (23) hours and fifty-nine (59) minutes of services are provided to a consumer an individual during one episode of care. If it is determined by the facility director or designee that the person is not medically stable, the officer shall immediately transport the person to the nearest hospital or other appropriate treatment facility.

E. If the person is medically unstable, the person may be transported to an appropriate medical facility for medical treatment. A treating physician may authorize that the person be detained until the person becomes medically stable. The time limit on the emergency detention period stipulated under Section 5-208 of
this title shall be tolled until the person who appears to be a person requiring treatment is medically stabilized. When the person becomes medically stable, if in the opinion of the treating or discharging physician, the patient is still a person requiring treatment as defined in Section 1-103 of this title, the physician shall authorize detention of the patient for transportation as provided in subsection D of this section.

F. The parent, brother or sister who is eighteen (18) years of age or older, child who is eighteen (18) years of age or older, or guardian of the person, or a person who appears to be or states that such person is mentally ill, alcohol-dependent or drug-dependent to a degree that emergency action is necessary may request the administrator of a facility designated by the Commissioner as an appropriate facility for an initial assessment to conduct an initial assessment to determine whether the condition of the person is such that emergency detention is warranted and, if emergency detention is warranted, to detain the person as provided in Sections 5-206 through 5-209 of this title.

SECTION 3. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 5-207.1 of Title 43A, unless there is created a duplication in numbering, reads as follows:

A. This section shall be known and may be cited as the "Shannon Hanchett Act".
B. This section shall recommend and encourage that at least twenty percent (20%) of all active-duty peace officers of Oklahoma law enforcement agencies, including city, state, and county agencies, complete crisis intervention training, in addition to any other required mental health training as prescribed by the Department of Mental Health and Substance Abuse Services.

C. Any person who appears to be or states that such person is mentally ill, alcohol-dependent, or drug-dependent to a degree that no immediate emergency mental health treatment is necessary, based on the peace officer's initial evaluation and observation of the person, may be taken into custody and placed in the county detention center without a mental health evaluation or mental health treatment, provided such reasoning is documented by the peace officer. The officer shall prepare a written statement indicating the basis for the officer's belief that the person did not require a mental health evaluation or immediate mental health treatment and the circumstances under which the officer took the person directly into detention center custody. The officer shall give a copy of the statement to the person or the person's attorney upon the request of either. Any false statement given to the officer by the person upon whose statement the officer relies shall be a misdemeanor and subject to the sanctions of Title 21 of the Oklahoma Statutes.

SECTION 4. This act shall become effective November 1, 2023.
Passed the House of Representatives the 8th day of March, 2023.

Presiding Officer of the House of Representatives

Passed the Senate the ___ day of __________, 2023.

Presiding Officer of the Senate