STATE OF OKLAHOMA

1st Session of the 59th Legislature (2023)

COMMITTEE SUBSTITUTE
FOR
HOUSE BILL NO. 2157

By: Roe

COMMITTEE SUBSTITUTE

An Act relating to mental health; amending 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), which relates to the Local Law Enforcement Mental Health Manpower Act; 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 5-207, 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

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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 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 2. 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 3. This act shall become effective November 1, 2023.

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