

1 STATE OF OKLAHOMA

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

3 COMMITTEE SUBSTITUTE

4 FOR ENGROSSED

5 SENATE BILL NO. 609

By: Bullard of the Senate

and

Humphrey of the House

6
7
8
9 COMMITTEE SUBSTITUTE

10 An Act relating to law enforcement protective
11 services; amending 43A O.S. 2011, Section 1-110, as
12 last amended by Section 1, Chapter 374, O.S.L. 2016
13 (43A O.S. Supp. 2018, Section 1-110), which relates
14 to law enforcement responsibilities for transporting
persons for mental health services; clarifying
responsibilities of counties and municipalities;
providing definition; and providing an effective
date.

15
16
17 BE IT ENACTED BY THE PEOPLE OF THE STATE OF OKLAHOMA:

18 SECTION 1. AMENDATORY 43A O.S. 2011, Section 1-110, as
19 last amended by Section 1, Chapter 374, O.S.L. 2016 (43A O.S. Supp.
20 2018, Section 1-110), is amended to read as follows:

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

1 B. A municipal law enforcement agency shall be responsible for
2 transportation of any individual found initially contacted by the
3 municipal law enforcement agency within such municipality's
4 jurisdiction. The county sheriff shall be responsible for
5 transportation of any individual found initially contacted by the
6 county law enforcement agency outside of a municipality's
7 jurisdiction, but within the county. For purposes of this section,
8 "initially contacted" shall include, but not be limited to, contact
9 made by a law enforcement officer, either in person or by electronic
10 or telephone communication.

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

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

21 E. Any transportation provided by a sheriff or deputy sheriff
22 or a peace officer on behalf of any county, city, town or
23 municipality of this state, to or from any facility for the purpose
24 of examination, admission, interfacility transfer, medical treatment

1 or court appearance shall be reimbursed in accordance with the
2 provisions of the State Travel Reimbursement Act.

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

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

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

16

17 57-1-8790 GRS 04/11/19

18

19

20

21

22

23

24