

1 ENGROSSED HOUSE
2 BILL NO. 2157

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

3
4 and

5 McCortney of the Senate
6

7 An Act relating to mental health; amending 43A O.S.
8 2021, Sections 5-202 and 5-207, as amended by Section
9 3, Chapter 297, O.S.L. 2022 (43A O.S. Supp. 2022,
10 Section 5-207), which relate to the Local Law
11 Enforcement Mental Health Manpower Act; prescribing
12 procedures related to certain mental health
13 evaluations; providing for imposition of costs after
14 expiration of certain period; removing the provision
15 stating that an officer does not have to make a
16 written statement if the officer does not take an
17 individual into protective custody; creating the
18 Shannon Hanchett Act; encouraging twenty percent of
19 active-duty peace officers in Oklahoma to complete
20 crisis intervention training; authorizing peace
21 officers to take individuals into custody and place
22 them in a county detention center without a mental
23 health evaluation if no immediate emergency mental
24 health treatment is necessary; providing for
codification; and providing an effective date.

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

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

21 Section 5-202. A. When any person alleged in any court to be
22 mentally ill, alcohol-dependent, or drug-dependent, or shall have
23 been adjudged to be mentally ill, alcohol-dependent, or drug-
24 dependent and shall be in the legal custody of the county sheriff as

1 prescribed by law, if such person has not been charged with
2 commission of a crime, the said county sheriff is hereby authorized
3 to confine such person in a place other than the county jail to be
4 selected by said county sheriff and to transport such person to the
5 place selected; provided that such confinement shall be in a place
6 and manner so as to prevent such confined person from in any way
7 endangering himself or any other person. The county is hereby
8 directed to expend such funds as may be necessary to provide for
9 such confinement outside the county jail. Specific authority is
10 hereby granted the county sheriff and the county commissioners to
11 enter into a contract with a nursing home or facility as a place of
12 detention. Other departments and agencies of the state may not
13 interfere with nor deter, in any manner, this right to contract.

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

24

1 individual in the county jail determined by the average daily cost
2 of housing an individual in a state mental health facility.

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

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

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

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

22 C. The officer shall prepare a written statement indicating the
23 basis for the officer's belief that the person is a person requiring
24 treatment and the circumstances under which the officer took the

1 person into protective custody. The officer shall give a copy of
2 the statement to the person or the person's attorney upon the
3 request of either. ~~If the officer does not make the determination~~
4 ~~to take an individual into protective custody on the basis of the~~
5 ~~officer's personal observation, the officer shall not be required to~~
6 ~~prepare a written statement.~~ However, the person stating to be
7 mentally ill, alcohol-dependent or drug-dependent or the person upon
8 whose statement the officer relies shall sign a written statement
9 indicating the basis for such person's belief that the person is a
10 person requiring treatment. Any false statement given to the
11 officer by the person upon whose statement the officer relies shall
12 be a misdemeanor and subject to the sanctions of Title 21 of the
13 Oklahoma Statutes.

14 D. If the person is medically stable, the officer shall
15 immediately transport the person to an urgent recovery clinic or to
16 the nearest facility, as defined in Section 1-103 of this title, for
17 an initial assessment within a thirty (30) mile radius of the peace
18 officer's operational headquarters, or may use telemedicine with a
19 licensed mental health professional employed or under contract with
20 a facility operated by, certified by or contracted with the
21 Department of Mental Health and Substance Abuse Services to perform
22 an initial assessment. If, subsequent to an initial assessment, it
23 is determined that emergency detention is warranted, the officer
24 shall immediately transport the person to the nearest facility that

1 has bed space available if the facility is within thirty (30) miles
2 of the peace officer's operational headquarters and the individual
3 was determined to be a person requiring treatment. The Department
4 of Mental Health and Substance Abuse Services may contract for the
5 use of alternative transportation providers to transport individuals
6 to facilities designated for emergency detention when the nearest
7 facility with available bed space is more than thirty (30) miles
8 from the peace officer's operational headquarters and the individual
9 was determined to be a person requiring treatment. For the purposes
10 of this section, "urgent recovery clinics" means clinics that offer
11 voluntary services aimed at the assessment and immediate
12 stabilization of acute symptoms of mental illness, alcohol and other
13 drug abuse and emotional distress; provided that, unless the person
14 consents to a longer duration, no more than twenty-three (23) hours
15 and fifty-nine (59) minutes of services are provided to ~~a consumer~~
16 an individual during one episode of care. If it is determined by
17 the facility director or designee that the person is not medically
18 stable, the officer shall immediately transport the person to the
19 nearest hospital or other appropriate treatment facility.

20 E. If the person is medically unstable, the person may be
21 transported to an appropriate medical facility for medical
22 treatment. A treating physician may authorize that the person be
23 detained until the person becomes medically stable. The time limit
24 on the emergency detention period stipulated under Section 5-208 of

1 this title shall be tolled until the person who appears to be a
2 person requiring treatment is medically stabilized. When the person
3 becomes medically stable, if in the opinion of the treating or
4 discharging physician, the patient is still a person requiring
5 treatment as defined in Section 1-103 of this title, the physician
6 shall authorize detention of the patient for transportation as
7 provided in subsection D of this section.

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

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

22 A. This section shall be known and may be cited as the "Shannon
23 Hanchett Act".

24

1 B. This section shall recommend and encourage that at least
2 twenty percent (20%) of all active-duty peace officers of Oklahoma
3 law enforcement agencies, including city, state, and county
4 agencies, complete crisis intervention training, in addition to any
5 other required mental health training as prescribed by the
6 Department of Mental Health and Substance Abuse Services.

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

23 SECTION 4. This act shall become effective November 1, 2023.
24

1 Passed the House of Representatives the 8th day of March, 2023.

2
3 _____
4 Presiding Officer of the House
of Representatives

5 Passed the Senate the ____ day of _____, 2023.

6
7
8 _____
9 Presiding Officer of the Senate