

1 ENGROSSED HOUSE
2 BILL NO. 2137

By: Stinson of the House

3 and

4 Pugh of the Senate
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7 An Act relating to criminal procedure; amending 22 O.S. 2021,
8 Section 1175.8, which relates to the resumption of competency;
9 requiring the Department of Mental Health and Substance Abuse
10 Services to provide notification to certain parties when seeking to
11 administer medication; providing for the filing of applications for
12 court orders authorizing medication; requiring applications to
13 indicate certain information; requiring hearings to be held within
14 certain time frame; providing an exception; providing list of rights
15 for persons subject to an order requiring the administration of
16 medication; requiring petitioner to provide clear and convincing
17 evidence in application; directing the court to make specific
18 findings of fact; establishing time limitations for administering
19 medications; providing construing provision; and providing an
20 effective date.

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

22 SECTION 1. AMENDATORY 22 O.S. 2021, Section 1175.8, is
23 amended to read as follows:

24 Section 1175.8. A. If the medical supervisor reports that the
person appears to have achieved competency after a finding of
incompetency, the court shall hold another competency hearing to
determine if the person has achieved competency. If competency has
been achieved, the criminal proceedings shall be resumed.

1 B. If the Department of Mental Health and Substance Abuse
2 Services or designee wishes to administer medication, including
3 psychotropic medication, to a person in custody under the provisions
4 of subsection A of Section 1175.6a of this title and has reason to
5 believe the person lacks the capacity to consent to or refuse
6 medication or the person refuses to take the medication voluntarily,
7 the Department or designee shall notify the court, the prosecuting
8 office who filed the criminal petition, and the attorney for the
9 person. The prosecuting office or the Department or designee may,
10 on behalf of the state, file an application for an order authorizing
11 medication for purposes of competency restoration with the court.
12 Any such application shall also seek authorization to continue
13 medication for purposes of maintaining the level of restoration in
14 jail following competency restoration.

15 C. An application seeking authorization of medication shall
16 indicate:

17 1. If the treating physician of the person believes the person
18 lacks the capacity to make a decision regarding administration of
19 the medication and the reasons for that belief;

20 2. A summary of the individualized treatment plan of the
21 person, including the specific medications to be potentially
22 administered and the corresponding dosage ranges;

23 3. The diagnosis of the person made by the treating physician;
24 and

1 4. The proposed method for administering the medication and, if
2 the method is not customary, an explanation justifying the departure
3 from the customary method.

4 D. The hearing on the application shall be held no later than
5 thirty (30) days after the filing of the application, unless good
6 cause is shown.

7 E. A person for whom an application for an order to authorize
8 the administration of medication is filed is entitled to:

9 1. An attorney to represent the person at the hearing. If the
10 person cannot afford an attorney, the court shall appoint an
11 attorney;

12 2. Meet with the attorney as soon as is practicable to prepare
13 for the hearing;

14 3. Receive, as soon as practicable after the time the hearing
15 is set, a copy of the application and written notice of the time,
16 place, and date of the hearing;

17 4. Notice of the right to a hearing and right to the assistance
18 of an attorney to prepare for the hearing;

19 5. Be present at the hearing;

20 6. Request from the court an independent expert; and

21 7. Notification at the conclusion of the hearing of the
22 determination made by the court.

23 F. The administration of medication shall not be ordered unless
24 the petitioning party proves by clear and convincing evidence that:

1 1. There exists an important state interest that justifies
2 overriding the lack of consent by the person to the administration
3 of medication;

4 2. Involuntary medication is substantially likely to render the
5 person competent to stand trial and substantially unlikely to have
6 side effects that will interfere significantly with the ability of
7 the person to assist trial counsel;

8 3. Involuntary medication is necessary to further the interests
9 of the state and any alternative, less intrusive treatments are not
10 likely to achieve substantially the same results; and

11 4. The administration of the medication is in the best medical
12 interest of the person in light of the medical condition of the
13 person.

14 G. The court shall make specific findings of fact concerning:

15 1. Each consideration listed under the provisions of subsection
16 F of this section;

17 2. The desires of the person regarding the proposed treatment;
18 and

19 3. The capacity of the person to consent to or refuse
20 medication.

21 H. An order for the administration of medications entered
22 following a hearing conducted pursuant to this section shall be
23 effective for the period of the current involuntary commitment
24 order, and any interim period during which the person is awaiting

1 trial or a hearing on a new petition for involuntary treatment or
2 involuntary medication. The order shall specify all medications to
3 be potentially involuntarily administered and corresponding dosage
4 ranges.

5 I. Nothing in this section shall be construed to invalidate,
6 prohibit, or alter the administration of medication to a person
7 under other laws or regulations of this state.

8 SECTION 2. This act shall become effective November 1, 2025.

9 Passed the House of Representatives the 11th day of March, 2025.

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12 Presiding Officer of the House
13 of Representatives

14 Passed the Senate the ___ day of _____, 2025.

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17 Presiding Officer of the Senate