

1 ENGROSSED HOUSE  
2 CONCURRENT  
3 RESOLUTION NO. 1004

By: Hilbert and Lowe (Jason) of  
the House

and

Paxton of the Senate

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8 A Concurrent Resolution relating to the consent  
9 decree entered into with the Oklahoma Department of  
10 Mental Health and Substance Abuse Services, the  
11 Oklahoma Forensic Center, and the putative class.

12  
13 WHEREAS, the Oklahoma Department of Mental Health and Substance  
14 Abuse Services is obligated to provide competency evaluations and  
15 restoration treatment for persons found incompetent to stand trial  
16 in Oklahoma state court criminal proceedings; and

17 WHEREAS, when an Oklahoma state court determines that a person  
18 is incompetent to stand trial because he or she is a "person  
19 requiring treatment", but capable of achieving competency with  
20 treatment within a reasonable period of time, the state court must  
21 suspend the criminal proceedings and order the Department, or its  
22 designee, to provide treatment, therapy, or training calculated to  
23 allow the person to achieve competency; and

1       WHEREAS, the Oklahoma Forensic Center is currently the only  
2 Department-operated hospital that provides secure, in-patient  
3 competency restoration treatment in Oklahoma; and

4       WHEREAS, on March 1, 2023, the putative class filed a class  
5 action lawsuit pursuant to 42 U.S.C., Section 1983 against the  
6 Commissioner of the Department of Mental Health and Substance Abuse  
7 Services and the Executive Director of the Oklahoma Forensic Center;  
8 and

9       WHEREAS, the parties have entered into a consent decree pursuant  
10 to case number 23-cv-81-GKF-JFJ filed in the United States District  
11 Court for the Northern District of Oklahoma; and

12       WHEREAS, the parties acknowledge that plaintiffs' claims and  
13 allegations are serious and credible and the consent decree resolves  
14 plaintiffs' claims while avoiding the costs, uncertainties, and  
15 risks of protracted litigation, likely saving the Department  
16 millions of dollars in legal fees and expenses if the case were  
17 litigated to a conclusion.

18       NOW, THEREFORE, BE IT RESOLVED BY THE HOUSE OF REPRESENTATIVES  
19 OF THE 1ST SESSION OF THE 60TH OKLAHOMA LEGISLATURE, THE SENATE  
20 CONCURRING THEREIN:

21       THAT pursuant to the provisions of the consent decree the  
22 Oklahoma Legislature is required to approve the consent decree  
23 pursuant to Section 200 of Title 51 of the Oklahoma Statutes.  
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