

1 **HOUSE OF REPRESENTATIVES - FLOOR VERSION**

2 STATE OF OKLAHOMA

3 1st Session of the 60th Legislature (2025)

4 HOUSE CONCURRENT
5 RESOLUTION 1004

By: Hilbert of the House

and

Paxton of the Senate

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10 AS INTRODUCED

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

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

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

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

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

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

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

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

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1 THAT pursuant to the provisions of the consent decree the
2 Oklahoma Legislature is required to approve the consent decree
3 pursuant to Section 200 of Title 51 of the Oklahoma Statutes.

4 THAT the Oklahoma House of Representatives and the Oklahoma
5 State Senate hereby approve of the consent decree entered into by
6 the parties.

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8 COMMITTEE REPORT BY: COMMITTEE ON APPROPRIATIONS AND BUDGET, dated
9 02/13/2025 - DO PASS.
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