

1 STATE OF OKLAHOMA

2 1st Session of the 60th Legislature (2025)

3 HOUSE CONCURRENT
4 RESOLUTION 1004

By: Hilbert of the House

5 and

6 Paxton of the Senate

7
8
9 AS INTRODUCED

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

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

18 WHEREAS, when an Oklahoma state court determines that a person
19 is incompetent to stand trial because he or she is a "person
20 requiring treatment", but capable of achieving competency with
21 treatment within a reasonable period of time, the state court must
22 suspend the criminal proceedings and order the Department, or its
23 designee, to provide treatment, therapy, or training calculated to
24 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 Service 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.
24

1 THAT the Oklahoma House of Representatives and the Oklahoma
2 State Senate hereby approve of the consent decree entered into by
3 the parties.

4

5 60-1-12534 TJ 02/11/25

6

7

8

9

10

11

12

13

14

15

16

17

18

19

20

21

22

23

24