

1 **HOUSE OF REPRESENTATIVES - FLOOR VERSION**

2 STATE OF OKLAHOMA

3 1st Session of the 59th Legislature (2023)

4 COMMITTEE SUBSTITUTE
5 FOR
6 HOUSE BILL NO. 2157

By: Roe and **Deck** of the House

and

McCortney of the Senate

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10 COMMITTEE SUBSTITUTE

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

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

SECTION 1. **AMENDATORY** 43A O.S. 2021, Section 5-207, as
amended by Section 3, Chapter 297, O.S.L. 2022 (43A O.S. Supp. 2022,
Section 5-207), is amended to read as follows:

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

8 B. 1. Any peace officer who reasonably believes that a person
9 is a person requiring treatment as defined in Section 1-103 of this
10 title shall take the person into protective custody. The officer
11 shall make every reasonable effort to take the person into custody
12 in the least conspicuous manner.

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

17 C. The officer shall prepare a written statement indicating the
18 basis for the officer's belief that the person is a person requiring
19 treatment and the circumstances under which the officer took the
20 person into protective custody. The officer shall give a copy of
21 the statement to the person or the person's attorney upon the
22 request of either. ~~If the officer does not make the determination~~
23 ~~to take an individual into protective custody on the basis of the~~
24 ~~officer's personal observation, the officer shall not be required to~~

1 ~~prepare a written statement.~~ However, the person stating to be
2 mentally ill, alcohol-dependent or drug-dependent or the person upon
3 whose statement the officer relies shall sign a written statement
4 indicating the basis for such person's belief that the person is a
5 person requiring treatment. Any false statement given to the
6 officer by the person upon whose statement the officer relies shall
7 be a misdemeanor and subject to the sanctions of Title 21 of the
8 Oklahoma Statutes.

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

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

15 E. If the person is medically unstable, the person may be
16 transported to an appropriate medical facility for medical
17 treatment. A treating physician may authorize that the person be
18 detained until the person becomes medically stable. The time limit
19 on the emergency detention period stipulated under Section 5-208 of
20 this title shall be tolled until the person who appears to be a
21 person requiring treatment is medically stabilized. When the person
22 becomes medically stable, if in the opinion of the treating or
23 discharging physician, the patient is still a person requiring
24 treatment as defined in Section 1-103 of this title, the physician

1 shall authorize detention of the patient for transportation as
2 provided in subsection D of this section.

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

14 SECTION 2. NEW LAW A new section of law to be codified
15 in the Oklahoma Statutes as Section 5-207.1 of Title 43A, unless
16 there is created a duplication in numbering, reads as follows:

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

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

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

17 SECTION 3. This act shall become effective November 1, 2023.

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19 COMMITTEE REPORT BY: COMMITTEE ON PUBLIC SAFETY, dated 03/02/2023 -
20 DO PASS, As Amended and Coauthored.
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