

1 STATE OF OKLAHOMA

2 2nd Session of the 55th Legislature (2016)

3 SENATE BILL 1070

By: Sharp

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5  
6 AS INTRODUCED

7 An Act relating to mental health; amending 43A O.S.  
8 2011, Section 1-110, as amended by Section 1, Chapter  
9 326, O.S.L. 2015 (43A O.S. Supp. 2015, Section 1-  
10 110), which relates to transportation of certain  
11 persons; providing certain construction; and  
12 providing an effective date.

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

14 SECTION 1. AMENDATORY 43A O.S. 2011, Section 1-110, as  
15 amended by Section 1, Chapter 326, O.S.L. 2015 (43A O.S. Supp. 2015,  
16 Section 1-110), is amended to read as follows:

17 Section 1-110. A. Sheriffs and peace officers shall be  
18 responsible for transporting individuals to and from designated  
19 sites or facilities for the purpose of examination, emergency  
20 detention, protective custody and inpatient services.

21 B. A municipal law enforcement agency shall be responsible for  
22 any individual found within such municipality's jurisdiction. The  
23 county sheriff shall be responsible for any individual found outside  
24 of a municipality's jurisdiction, but within the county.

1 C. The law enforcement agency transporting an individual to and  
2 from designated sites or facilities pursuant to the provisions of  
3 this section shall maintain responsibility for the transportation of  
4 such individual pending completion of the examination, emergency  
5 detention, protective custody and inpatient services.

6 D. Sheriffs and peace officers shall be entitled to  
7 reimbursement from the Department of Mental Health and Substance  
8 Abuse Services for transportation services associated with minors or  
9 adults requiring examination, emergency detention, protective  
10 custody and inpatient services.

11 E. Any transportation provided by a sheriff or deputy sheriff  
12 or a peace officer on behalf of any county, city, town or  
13 municipality of this state, to or from any facility for the purpose  
14 of examination, admission, interfacility transfer, medical treatment  
15 or court appearance shall be reimbursed in accordance with the  
16 provisions of the State Travel Reimbursement Act.

17 F. Nothing in this section shall prohibit a law enforcement  
18 agency from entering into a lawful agreement with any other law  
19 enforcement agency to fulfill the requirements established by this  
20 section or from contracting with a third party to provide the  
21 services established by this section; provided, the third party  
22 meets minimum standards as determined by the Department. Standards  
23 determined by the Department shall not exceed the standards required  
24 by law enforcement. Nothing in this section shall be construed as

1 to require higher standards for reserve deputies or off-duty law  
2 enforcement officials performing the services authorized by this  
3 section in a capacity as an employee, contractor, or owner of a  
4 third party entity providing the services authorized by this  
5 section.

6 SECTION 2. This act shall become effective November 1, 2016.

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