An Act

ENROLLED SENATE
BILL NO. 1070

By: Sharp of the Senate

and

Biggs and Cockroft of the House

An Act relating to mental health; amending 43A O.S. 2011, Section 1-110, as amended by Section 1, Chapter 326, O.S.L. 2015 (43A O.S. Supp. 2015, Section 1-110), which relates to transportation of certain persons; providing exemption for certain liability under certain circumstances; and providing an effective date.

SUBJECT: Liability for transport of persons

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

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

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

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

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

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

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

F. Nothing in this section shall prohibit a law enforcement agency from entering into a lawful agreement with any other law enforcement agency to fulfill the requirements established by this section or from contracting with a third party to provide the services established by this section~~,~~ provided~~,~~ the third party meets minimum standards as determined by the Department. Standards determined by the Department shall not exceed the standards required by law enforcement.

G. A law enforcement agency shall not be liable for the actions of a peace officer commissioned by the agency when such officer is providing services as a third party pursuant to subsection F of this section outside his or her primary employment as a peace officer.

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

Passed the Senate the 25th day of May, 2016.

Eddie Fields
Presiding Officer of the Senate

Passed the House of Representatives the 27th day of May, 2016.

Lee R. Jones Jr.
Presiding Officer of the House
of Representatives

OFFICE OF THE GOVERNOR

Received by the Office of the Governor this 27th
day of May, 2016, at 7:21 o'clock P M.
By: Audrey Rockwell

Approved by the Governor of the State of Oklahoma this 6th
day of June, 2016, at 3:56 o'clock P M.

Mary Fallin
Governor of the State of Oklahoma

OFFICE OF THE SECRETARY OF STATE

Received by the Office of the Secretary of State this 6th
day of June, 2016, at 4:53 o'clock P. M.
By: Chris Benge