

1 ENGROSSED HOUSE  
2 BILL NO. 2137

3 By: Stinson of the House

4 and

5 Pugh of the Senate

6

7 An Act relating to criminal procedure; amending 22 O.S. 2021,  
8 Section 1175.8, which relates to the resumption of competency;  
9 requiring the Department of Mental Health and Substance Abuse  
10 Services to provide notification to certain parties when seeking to  
11 administer medication; providing for the filing of applications for  
12 court orders authorizing medication; requiring applications to  
13 indicate certain information; requiring hearings to be held within  
14 certain time frame; providing an exception; providing list of rights  
15 for persons subject to an order requiring the administration of  
16 medication; requiring petitioner to provide clear and convincing  
17 evidence in application; directing the court to make specific  
18 findings of fact; establishing time limitations for administering  
19 medications; providing construing provision; and providing an  
20 effective date.

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

22 SECTION 1. AMENDATORY 22 O.S. 2021, Section 1175.8, is  
23 amended to read as follows:

24 Section 1175.8. A. If the medical supervisor reports that the  
person appears to have achieved competency after a finding of  
incompetency, the court shall hold another competency hearing to  
determine if the person has achieved competency. If competency has  
been achieved, the criminal proceedings shall be resumed.

1       B. If the Department of Mental Health and Substance Abuse  
2       Services or designee wishes to administer medication, including  
3       psychotropic medication, to a person in custody under the provisions  
4       of subsection A of Section 1175.6a of this title and has reason to  
5       believe the person lacks the capacity to consent to or refuse  
6       medication or the person refuses to take the medication voluntarily,  
7       the Department or designee shall notify the court, the prosecuting  
8       office who filed the criminal petition, and the attorney for the  
9       person. The prosecuting office or the Department or designee may,  
10      on behalf of the state, file an application for an order authorizing  
11      medication for purposes of competency restoration with the court.  
12      Any such application shall also seek authorization to continue  
13      medication for purposes of maintaining the level of restoration in  
14      jail following competency restoration.

15       C. An application seeking authorization of medication shall  
16      indicate:

17       1. If the treating physician of the person believes the person  
18      lacks the capacity to make a decision regarding administration of  
19      the medication and the reasons for that belief;

20       2. A summary of the individualized treatment plan of the  
21      person, including the specific medications to be potentially  
22      administered and the corresponding dosage ranges;

23       3. The diagnosis of the person made by the treating physician;  
24      and

1       4. The proposed method for administering the medication and, if  
2       the method is not customary, an explanation justifying the departure  
3       from the customary method.

4       D. The hearing on the application shall be held no later than  
5       thirty (30) days after the filing of the application, unless good  
6       cause is shown.

7       E. A person for whom an application for an order to authorize  
8       the administration of medication is filed is entitled to:

9       1. An attorney to represent the person at the hearing. If the  
10      person cannot afford an attorney, the court shall appoint an  
11      attorney;

12      2. Meet with the attorney as soon as is practicable to prepare  
13      for the hearing;

14      3. Receive, as soon as practicable after the time the hearing  
15      is set, a copy of the application and written notice of the time,  
16      place, and date of the hearing;

17      4. Notice of the right to a hearing and right to the assistance  
18      of an attorney to prepare for the hearing;

19      5. Be present at the hearing;

20      6. Request from the court an independent expert; and

21      7. Notification at the conclusion of the hearing of the  
22      determination made by the court.

23      F. The administration of medication shall not be ordered unless  
24      the petitioning party proves by clear and convincing evidence that:

1       1. There exists an important state interest that justifies  
2       overriding the lack of consent by the person to the administration  
3       of medication;

4       2. Involuntary medication is substantially likely to render the  
5       person competent to stand trial and substantially unlikely to have  
6       side effects that will interfere significantly with the ability of  
7       the person to assist trial counsel;

8       3. Involuntary medication is necessary to further the interests  
9       of the state and any alternative, less intrusive treatments are not  
10      likely to achieve substantially the same results; and

11      4. The administration of the medication is in the best medical  
12      interest of the person in light of the medical condition of the  
13      person.

14      G. The court shall make specific findings of fact concerning:

15      1. Each consideration listed under the provisions of subsection  
16      F of this section;

17      2. The desires of the person regarding the proposed treatment;  
18      and

19      3. The capacity of the person to consent to or refuse  
20      medication.

21      H. An order for the administration of medications entered  
22      following a hearing conducted pursuant to this section shall be  
23      effective for the period of the current involuntary commitment  
24      order, and any interim period during which the person is awaiting

1 trial or a hearing on a new petition for involuntary treatment or  
2 involuntary medication. The order shall specify all medications to  
3 be potentially involuntarily administered and corresponding dosage  
4 ranges.

5 I. Nothing in this section shall be construed to invalidate,  
6 prohibit, or alter the administration of medication to a person  
7 under other laws or regulations of this state.

8 SECTION 2. This act shall become effective November 1, 2025.

9 Passed the House of Representatives the 11th day of March, 2025.

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11 Presiding Officer of the House  
12 of Representatives

13  
14 Passed the Senate the \_\_\_\_ day of \_\_\_\_\_, 2025.

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16 Presiding Officer of the Senate