

By: Representatives Davis, King, Warren

To: Penitentiary

HOUSE BILL NO. 1290

1 AN ACT TO AMEND SECTION 47-5-116, MISSISSIPPI CODE OF 1972,
2 TO PROVIDE THAT EVERY OFFENDER SHALL BE TRANSPORTED IN A VEHICLE
3 WHICH IS EQUIPPED WITH A BIDDLE GUARD; TO REQUIRE EVERY OFFENDER
4 TO BE PLACED IN HANDCUFFS, WAIST CHAINS AND SHACKLES WHEN BEING
5 TRANSPORTED; TO PROHIBIT STATE, COUNTY, MUNICIPAL AND PRIVATE
6 CORRECTIONAL FACILITIES FROM ACCEPTING OR RELEASING OFFENDERS
7 BEING TRANSPORTED IN VEHICLES WITHOUT A BIDDLE GUARD AND WITHOUT
8 HANDCUFFS, WAISTCHAINS AND SHACKLES; TO PROVIDE A CIVIL PENALTY
9 FOR VIOLATION OF THIS ACT; TO EXEMPT FROM THE REQUIREMENTS OF THIS
10 ACT ANY VEHICLE WHICH IS BEING USED BY A CORRECTIONAL OFFICER TO
11 TRANSPORT OFFENDERS TO OR FROM A WORK DETAIL; AND FOR RELATED
12 PURPOSES.

13 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MISSISSIPPI:

14 SECTION 1. Section 47-5-116, Mississippi Code of 1972, is
15 amended as follows:

16 47-5-116. (1) For the purposes of this section, the term
17 "Biddle guard" * * * means a device or partition installed in a
18 vehicle operated by a law enforcement officer which separates the
19 front and rear passenger compartments.

20 (2) Every offender, as defined in Section 47-7-2, shall be
21 transported only in a vehicle which is * * * equipped with a
22 secure Biddle guard separating the operator's compartment from the
23 offenders, and each offender shall be placed in handcuffs, waist
24 chains and shackles before he is transported.

25 (3) A state, county, municipal or private correctional
26 facility shall not accept any offender who has not been
27 transported in a vehicle which is equipped with a Biddle guard and
28 who was not placed in handcuffs, waist chains and shackles. Also,
29 a state, county, municipal or private correctional facility shall
30 not release any offender into the custody of a law enforcement
31 officer unless the offender is being transported in a vehicle

32 which is equipped with a Biddle guard, and the offender must be
33 placed in handcuffs, waist chains and shackles.

34 (4) Any person found to be in violation of this section
35 shall be assessed a civil penalty of Five Thousand Dollars
36 (\$5,000.00) which shall be collected by the Attorney General and
37 paid into the State Treasury.

38 (5) The Commissioner of Corrections, sheriff, or chief law
39 enforcement officer who is responsible for a vehicle in which an
40 offender is transported in violation of this section shall not be
41 liable personally for any damages arising from injuries to persons
42 or property caused by an offender who has escaped while being
43 transported in violation of this section.

44 (6) This section shall not be applicable to any vehicle used
45 by a correctional officer for the purpose of transporting
46 offenders from place to place on the grounds of any penal facility
47 under the jurisdiction of the State Department of Corrections or
48 to any vehicle that is used by a correctional officer or law
49 enforcement officer to transport offenders to or from a work
50 detail.

51 SECTION 2. This act shall take effect and be in force from
52 and after July 1, 1999.