

By: Senator(s) Smith

To: Corrections

COMMITTEE SUBSTITUTE
FOR
SENATE BILL NO. 2332

1 AN ACT TO AMEND SECTION 47-5-116, MISSISSIPPI CODE OF 1972,
2 TO MAKE IT UNLAWFUL TO TRANSPORT ANY PRISONER COMMITTED TO THE
3 CUSTODY OF THE DEPARTMENT OF CORRECTIONS IN A VEHICLE WITHOUT A
4 BIDDLE GUARD; TO IMPOSE LIABILITY FOR VIOLATIONS; AND FOR RELATED
5 PURPOSES.

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

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

9 47-5-116. (1) * * * The term "Biddle guard" * * * means a
10 device or partition installed in a vehicle operated by a law
11 enforcement officer which separates the front and rear passenger
12 compartments.

13 (2) It is unlawful to transport a prisoner who is * * *
14 committed to the Department of Corrections * * * in a vehicle
15 which is not equipped with a secure Biddle guard * * *.

16 (3) The commissioner * * *, sheriff, or chief law
17 enforcement officer who is responsible for a vehicle in which a
18 prisoner is transported in violation of this section shall * * *
19 be liable personally for any damages arising from injuries to
20 persons or property caused by a prisoner who * * * escapes while
21 being transported in violation of this section.

22 (4) This section does not * * * apply to any vehicle used by
23 a correctional officer for * * * transporting prisoners * * * on
24 the grounds of a correctional facility under the jurisdiction of
25 the * * * department * * *, to any vehicle used by a field officer
26 of the Department of Corrections when taking a prisoner into the
27 custody of the Department of Corrections or to any vehicle used to

28 transport prisoners in work release programs.

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