

By: Senator(s) Smith

To: Corrections

SENATE BILL NO. 2332  
(As Passed the Senate)

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 A CIVIL PENALTY FOR VIOLATIONS; AND FOR  
5 RELATED 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 of Corrections, sheriff or chief law  
17 enforcement officer who is responsible for a vehicle in which any  
18 transportation in violation of this section occurs shall \* \* \* be  
19 assessed a civil penalty of One Thousand Five Hundred Dollars  
20 (\$1,500.00) which shall be collected by the Attorney General and  
21 paid into the State Treasury.

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.