

By: Senator(s) Smith

To: Corrections

SENATE BILL NO. 2332  
(As Sent to Governor)

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; TO REQUIRE  
5 THE PRISONER TO BE RESTRAINED; TO EXEMPT VEHICLES USED TO  
6 TRANSPORT PRISONERS IN WORK DETAILS; AND FOR RELATED PURPOSES.

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

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

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

14 (2) It is unlawful to transport a prisoner who is \* \* \*  
15 committed to the Department of Corrections \* \* \* in a vehicle  
16 which is not equipped with a secure Biddle guard \* \* \*. Each  
17 prisoner shall be restrained and a state, county, municipal or  
18 private correctional facility shall not release a prisoner into  
19 the custody of a law enforcement officer unless the prisoner is  
20 being transported in a vehicle equipped in accordance with this  
21 section.

22 (3) The Commissioner of Corrections, sheriff or chief law  
23 enforcement officer who is responsible for a vehicle in which any  
24 transportation in violation of this section occurs shall \* \* \* be  
25 assessed a civil penalty of One Thousand Five Hundred Dollars  
26 (\$1,500.00) which shall be collected by the Attorney General and  
27 paid into the State Treasury.

28 (4) The Commissioner of Corrections, sheriff or chief law

29 enforcement officer who is responsible for a vehicle in which a  
30 prisoner is transported in violation of this section shall not be  
31 liable personally for any damages arising from injuries to persons  
32 or property caused by a prisoner who has escaped while being  
33 transported in violation of this section.

34 (5) This section does not \* \* \* apply to any vehicle used by  
35 a correctional officer for \* \* \* transporting prisoners \* \* \* on  
36 the grounds of a correctional facility under the jurisdiction of  
37 the \* \* \* department \* \* \*, to any vehicle used by a field officer  
38 of the Department of Corrections when taking a prisoner into the  
39 custody of the Department of Corrections or to any vehicle used to  
40 transport prisoners in work release programs.

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