SENATE BILL NO. 2967

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

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

6   SECTION 1. Section 47-5-116, Mississippi Code of 1972, is

7   amended as follows:

8   47-5-116. (1) * * * The term "Biddle guard" * * * means a

9   device or partition installed in a vehicle operated by a law

10 enforcement officer which separates the front and rear passenger

11 compartments.

12   (2) (a) It is unlawful to transport a prisoner who is * * *

13 committed to the Department of Corrections * * * in a vehicle

14 which is not equipped with a secure Biddle guard * * *.

15   (b) The commissioner, sheriff or chief law enforcement

16 officer who is responsible for a vehicle in which a prisoner is

17 transported in violation of this section shall be liable for a

18 civil penalty of One Thousand Dollars ($1,000.00) for the first

19 violation and Three Thousand Dollars ($3,000.00) for any

20 subsequent violations. The penalty shall be collected by the

21 Attorney General and paid into the State Treasury.

22   (3) The commissioner * * *, sheriff, or chief law

23 enforcement officer who is responsible for a vehicle in which a

24 prisoner is transported in violation of this section shall not be

25 liable personally for any damages arising from injuries to persons

26 or property caused by a prisoner who * * * escapes while being

27 transported in violation of this section.

28   (4) This <u>section does</u> not ******* <u>apply</u> to any vehicle used by

29 a correctional officer for ******* transporting prisoners ******* on

30 the grounds of <u>a correctional</u> facility under the jurisdiction of

31 the ******* department *******.

32   SECTION 2. This act shall take effect and be in force from

33 and after July 1, 1999.