

By: Senator(s) Farris

To: Corrections

SENATE BILL NO. 3026

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 CERTAIN
4 OFFENDERS TO BE PLACED IN HANDCUFFS, WAIST CHAINS AND SHACKLES
5 WHEN BEING TRANSPORTED; TO PROHIBIT STATE, COUNTY, MUNICIPAL AND
6 PRIVATE CORRECTIONAL FACILITIES FROM ACCEPTING OR RELEASING SUCH
7 OFFENDERS BEING TRANSPORTED IN VEHICLES WITHOUT A BIDDLE GUARD AND
8 WITHOUT HANDCUFFS, WAISTCHAINS AND SHACKLES; TO PROVIDE A CIVIL
9 PENALTY FOR VIOLATION OF THIS ACT; TO EXEMPT FROM THE REQUIREMENTS
10 OF THIS ACT ANY VEHICLE WHICH IS BEING USED BY A CORRECTIONAL
11 OFFICER TO TRANSPORT OFFENDERS TO OR FROM A WORK DETAIL; AND FOR
12 RELATED 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) Any felon or person accused of a felony 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 passenger compartment. Each felon or person accused of a felony
24 shall be placed in handcuffs, waist chains and shackles to be
25 transported, and shall be transported in the protected passenger
26 compartment.

27 (3) A state, county, municipal or private correctional
28 facility shall not release any felon or person accused of a felony
29 into the custody of a law enforcement officer unless the person is
30 being transported in strict compliance with subsection (2).

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

32 enforcement officer who is responsible for a vehicle in which a
33 prisoner is transported in violation of this section shall not be
34 liable personally for any damages arising from injuries to persons
35 or property caused by a prisoner who has escaped while being
36 transported in violation of this section. However, the
37 Commissioner of Corrections, sheriff or chief law enforcement
38 officer who is responsible for a vehicle in which any
39 transportation in violation of this section occurs shall be
40 assessed a civil penalty of Five Thousand Dollars (\$5,000.00)
41 which shall be collected by the Attorney General and paid into the
42 State Treasury.

43 (5) This section shall not be applicable to any vehicle used
44 by a correctional officer for the purpose of transporting
45 prisoners from place to place on the grounds of any penal facility
46 under the jurisdiction of the State Department of Corrections nor
47 to any vehicle that is used by a correctional officer or law
48 enforcement officer to transport prisoners to or from a work
49 detail.

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