

**\*\*\*Pending\*\*\***

**AMENDMENT No. 1 PROPOSED TO**

**Senate Bill NO. 2332**

**By Representative(s) Committee**

**Amend by striking all after the enacting clause and inserting  
in lieu thereof the following:**

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

18 47-5-116. (1) For the purposes of this section, the term  
19 "Biddle guard" \* \* \* means a device or partition installed in a  
20 vehicle operated by a law enforcement officer which separates the  
21 front and rear passenger compartments.

22 (2) Every offender committed to the custody of the  
23 Department of Corrections shall be transported only in a vehicle  
24 which is \* \* \* equipped with a secure Biddle guard separating the  
25 operator's compartment from the offenders, and each offender shall  
26 be placed in handcuffs, waist chains and shackles before he is  
27 transported. A state, county, municipal or private correctional  
28 facility shall not release any offender into the custody of a law  
29 enforcement officer unless the offender is being transported in a  
30 vehicle which is equipped as provided in this subsection, and the  
31 offender must be placed in handcuffs, waist chains and shackles.

32 (3) Any law enforcement agency or contract agency which is  
33 found to be in violation of this section shall be assessed a civil  
34 penalty of Five Thousand Dollars (\$5,000.00) which shall be  
35 collected by the Attorney General and paid into the State  
36 Treasury.

37       (4) The Commissioner of Corrections, sheriff, or chief law  
38 enforcement officer who is responsible for a vehicle in which an  
39 offender is transported in violation of this section shall not be  
40 liable personally for any damages arising from injuries to persons  
41 or property caused by an offender who has escaped while being  
42 transported in violation of this section.

43       (5) This section shall not be applicable to any vehicle used  
44 by a correctional officer for the purpose of transporting  
45 offenders from place to place on the grounds of any penal facility  
46 under the jurisdiction of the State Department of Corrections, to  
47 any vehicle that is used by a correctional officer, law  
48 enforcement officer, or a municipal, county or state employee to  
49 transport offenders to or from a work detail or to any vehicle  
50 which is used by a Department of Corrections field officer when  
51 taking an offender into the custody of the State Department of  
52 Corrections.

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

**Further, amend by striking the title in its entirety and  
inserting in lieu thereof the following:**

1       AN ACT TO AMEND SECTION 47-5-116, MISSISSIPPI CODE OF 1972,  
2 TO PROVIDE THAT EVERY OFFENDER COMMITTED TO THE CUSTODY OF THE  
3 DEPARTMENT OF CORRECTIONS SHALL BE TRANSPORTED IN A VEHICLE WHICH  
4 IS EQUIPPED WITH A BIDDLE GUARD; TO REQUIRE EVERY OFFENDER TO BE  
5 PLACED IN HANDCUFFS, WAIST CHAINS AND SHACKLES WHEN BEING  
6 TRANSPORTED; TO PROHIBIT STATE, COUNTY, MUNICIPAL AND PRIVATE  
7 CORRECTIONAL FACILITIES FROM RELEASING OFFENDERS BEING TRANSPORTED  
8 IN VEHICLES WITHUT A BIDDLE GUARD AND WITHOUT HANDCUFFS, WAIST  
9 CHAINS AND SHACKLES; TO PROVIDE A CIVIL PENALTY FOR VIOLATION OF  
10 THIS ACT; TO EXEMPT FROM THE REQUIREMENTS OF THIS ACT ANY VEHICLE  
11 WHICH IS BEING USED BY A LAW ENFORCEMENT OFFICER TO TRANSPORT  
12 OFFENDERS TO OR FROM A WORK DETAIL OR A VEHICLE WHICH IS BEING  
13 USED BY A FIELD OFFICER TO TAKE AN OFFENDER INTO THE CUSTODY OF  
14 THE DEPARTMENT; AND FOR RELATED PURPOSES.

**99\HR40\SB2332A.J \*HR40/SB2332AJ\***