

By: Representatives Ellzey, Barnett (92nd), To: Penitentiary
Horne, Davis

HOUSE BILL NO. 279
(As Passed the House)

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.

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

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.