

106TH CONGRESS
1ST SESSION

S. 1898

To provide protection against the risks to the public that are inherent in the interstate transportation of violent prisoners.

IN THE SENATE OF THE UNITED STATES

NOVEMBER 9, 1999

Mr. DORGAN (for himself, Mr. ASHCROFT, and Mr. LEAHY) introduced the following bill; which was read twice and referred to the Committee on the Judiciary

A BILL

To provide protection against the risks to the public that are inherent in the interstate transportation of violent prisoners.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Interstate Transpor-
5 tation of Dangerous Criminals Act of 1999” or “Jeanna’s
6 Act”.

7 **SEC. 2. FINDINGS.**

8 Congress finds that—

1 (1) increasingly, States are turning to private
2 prisoner transport companies as an alternative to
3 their own personnel or the United States Marshals
4 Service when transporting violent prisoners;

5 (2) often times, these trips can last for days if
6 not weeks, as violent prisoners are dropped off and
7 picked up at a network of hubs across the country;

8 (3) escapes by violent prisoners during trans-
9 port by private prisoner transport companies have
10 not been uncommon; and

11 (4) oversight by the Attorney General is re-
12 quired to address these problems.

13 **SEC. 3. DEFINITIONS.**

14 In this Act:

15 (1) **CRIME OF VIOLENCE.**—The term “crime of
16 violence” has the same meaning as provided in sec-
17 tion 924(c)(3) of title 18, United States Code.

18 (2) **DRUG TRAFFICKING CRIME.**—The term
19 “drug trafficking crime” has the same meaning as
20 provided in section 924(c)(2) of title 18, United
21 States Code.

22 (3) **PRIVATE PRISONER TRANSPORT COM-**
23 **PANY.**—The term “private prisoner transport com-
24 pany” means any entity other than the United
25 States, a State or the inferior political subdivisions

1 of a State which engages in the business of the
 2 transporting for compensation, individuals com-
 3 mitted to the custody of any State or of the inferior
 4 political subdivisions of a State, or any attempt
 5 thereof.

6 (4) VIOLENT PRISONER.—The term “violent
 7 prisoner” means any individual in the custody of a
 8 State or the inferior political subdivisions of a State
 9 who has previously been convicted of or is currently
 10 charged with a crime of violence, a drug trafficking
 11 crime, or a violation of the Gun Control Act of 1968,
 12 or any similar statute of a State or the inferior polit-
 13 ical subdivisions of a State, or any attempt thereof.

14 **SEC. 4. FEDERAL REGULATION OF PRISONER TRANSPORT**
 15 **COMPANIES.**

16 (a) IN GENERAL.—Not later than 180 days after the
 17 date of enactment of this Act, the Attorney General shall
 18 promulgate regulations relating to the transportation of
 19 violent prisoners in or affecting interstate commerce.

20 (b) STANDARDS AND REQUIREMENTS.—The regula-
 21 tions shall include, at a minimum—

22 (1) minimum standards for background checks
 23 and preemployment drug testing for potential em-
 24 ployees;

1 (2) minimum standards for factors that dis-
2 qualify employees or potential employees similar to
3 standards required of Federal correction officers;

4 (3) minimum standards for the length and type
5 of training that employees must undergo before they
6 can perform this service;

7 (4) restrictions on the number of hours that
8 employees can be on duty during a given time pe-
9 riod;

10 (5) minimum standards for the number of per-
11 sonnel that must supervise violent prisoners;

12 (6) minimum standards for employee uniforms
13 and identification, when appropriate;

14 (7) standards requiring that violent prisoners
15 wear brightly colored clothing clearly identifying
16 them as prisoners, when appropriate;

17 (8) minimum requirements for the restraints
18 that must be used when transporting violent pris-
19 oners, to include leg shackles and double-locked
20 handcuffs, when appropriate;

21 (9) a requirement that when transporting vio-
22 lent prisoners, private prisoner transport companies
23 notify local law enforcement officials 24 hours in ad-
24 vance of any scheduled stops in their jurisdiction
25 and that if unscheduled stops are made, local law

1 enforcement should be notified in a timely manner,
2 when appropriate;

3 (10) minimum standards for the markings on
4 conveyance vehicles, when appropriate;

5 (11) a requirement that in the event of an es-
6 cape by a violent prisoner, private prisoner transport
7 company officials shall immediately notify appro-
8 priate law enforcement officials in the jurisdiction
9 where the escape occurs, and the governmental enti-
10 ty that contracted with the private prisoner trans-
11 port company for the transport of the escaped vio-
12 lent prisoner;

13 (12) minimum standards for the safety of vio-
14 lent prisoners; and

15 (13) any other requirement the Attorney Gen-
16 eral deems to be necessary to prevent escape of vio-
17 lent prisoners and ensure public safety.

18 (c) FEDERAL STANDARDS.—Except for the require-
19 ments of subsection (b)(7), the regulations promulgated
20 under this Act shall not provide stricter standards with
21 respect to private prisoner transport companies than are
22 applicable to Federal prisoner transport entities.

23 **SEC. 5. ENFORCEMENT.**

24 Any person who is found in violation of the regula-
25 tions established by this Act shall be liable to the United

1 States for a civil penalty in an amount not to exceed
2 \$10,000 for each violation and, in addition, to the United
3 States for the costs of prosecution. In addition, such per-
4 son shall make restitution to any entity of the United
5 States, of a State, or of an inferior political subdivision
6 of a State, which expends funds for the purpose of appre-
7 hending any violent prisoner who escapes from a prisoner
8 transport company as the result, in whole or in part, of
9 a violation of regulations promulgated pursuant to section
10 4(a).

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