

Calendar No. 859

106TH CONGRESS
2^D 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, Mr. LEAHY, Mr. DODD, Mr. GRAMS, Mr. KERRY, Mr. BINGAMAN, Mr. JEFFORDS, Mr. FEINGOLD, and Mr. DASCHLE) introduced the following bill; which was read twice and referred to the Committee on the Judiciary

SEPTEMBER 28 (legislative day SEPTEMBER 22), 2000

Reported by Mr. HATCH with an amendment

[Strike out all after the enacting clause and insert the part printed in *italic*]

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,*

1 **SECTION 1. SHORT TITLE.**

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

5 **SEC. 2. FINDINGS.**

6 Congress finds that—

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

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

14 (3) escapes by violent prisoners during trans-
15 port by private prisoner transport companies have
16 not been uncommon; and

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

19 **SEC. 3. DEFINITIONS.**

20 In this Act:

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

24 (2) **DRUG TRAFFICKING CRIME.**—The term
25 “drug trafficking crime” has the same meaning as

1 provided in section 924(c)(2) of title 18, United
2 States Code.

3 ~~(3)~~ PRIVATE PRISONER TRANSPORT COM-
4 PANY.—The term “private prisoner transport com-
5 pany” means any entity other than the United
6 States, a State or the inferior political subdivisions
7 of a State which engages in the business of the
8 transporting for compensation, individuals com-
9 mitted to the custody of any State or of the inferior
10 political subdivisions of a State, or any attempt
11 thereof.

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

20 **SEC. 4. FEDERAL REGULATION OF PRISONER TRANSPORT**
21 **COMPANIES.**

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

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

3 (1) minimum standards for background checks
4 and preemployment drug testing for potential em-
5 ployees;

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

9 (3) minimum standards for the length and type
10 of training that employees must undergo before they
11 can perform this service;

12 (4) restrictions on the number of hours that
13 employees can be on duty during a given time pe-
14 riod;

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

17 (6) minimum standards for employee uniforms
18 and identification, when appropriate;

19 (7) standards requiring that violent prisoners
20 wear brightly colored clothing clearly identifying
21 them as prisoners, when appropriate;

22 (8) minimum requirements for the restraints
23 that must be used when transporting violent pris-
24 oners, to include leg shackles and double-locked
25 handcuffs, when appropriate;

1 (9) a requirement that when transporting vio-
2 lent prisoners, private prisoner transport companies
3 notify local law enforcement officials 24 hours in ad-
4 vance of any scheduled stops in their jurisdiction
5 and that if unscheduled stops are made, local law
6 enforcement should be notified in a timely manner,
7 when appropriate;

8 (10) minimum standards for the markings on
9 conveyance vehicles, when appropriate;

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

18 (12) minimum standards for the safety of vio-
19 lent prisoners; and

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

23 (c) FEDERAL STANDARDS.—Except for the require-
24 ments of subsection (b)(7), the regulations promulgated
25 under this Act shall not provide stricter standards with

1 respect to private prisoner transport companies than are
 2 applicable to Federal prisoner transport entities.

3 **SEC. 5. ENFORCEMENT.**

4 Any person who is found in violation of the regula-
 5 tions established by this Act shall be liable to the United
 6 States for a civil penalty in an amount not to exceed
 7 \$10,000 for each violation and, in addition, to the United
 8 States for the costs of prosecution. In addition, such per-
 9 son shall make restitution to any entity of the United
 10 States, of a State, or of an inferior political subdivision
 11 of a State, which expends funds for the purpose of appre-
 12 hending any violent prisoner who escapes from a prisoner
 13 transport company as the result, in whole or in part, of
 14 a violation of regulations promulgated pursuant to section
 15 4(a).

16 **SECTION 1. SHORT TITLE.**

17 *This Act may be cited as the “Interstate Transpor-*
 18 *tation of Dangerous Criminals Act of 2000” or “Jeanna’s*
 19 *Act”.*

20 **SEC. 2. FINDINGS.**

21 *Congress finds the following:*

22 (1) *Increasingly, States are turning to private*
 23 *prisoner transport companies as an alternative to*
 24 *their own personnel or the United States Marshals*
 25 *Service when transporting violent prisoners.*

1 (2) *The transport process can last for days if not*
2 *weeks, as violent prisoners are dropped off and picked*
3 *up at a network of hubs across the country.*

4 (3) *Escapes by violent prisoners during trans-*
5 *port by private prisoner transport companies have oc-*
6 *curred.*

7 (4) *Oversight by the Attorney General is required*
8 *to address these problems.*

9 (5) *While most governmental entities may prefer*
10 *to use, and will continue to use, fully trained and*
11 *sworn law enforcement officers when transporting vio-*
12 *lent prisoners, fiscal or logistical concerns may make*
13 *the use of highly specialized private prisoner trans-*
14 *port companies an option. Nothing in this Act should*
15 *be construed to mean that governmental entities*
16 *should contract with private prisoner transport com-*
17 *panies to move violent prisoners; however when a gov-*
18 *ernment entity opts to use a private prisoner trans-*
19 *port company to move violent prisoners, then the*
20 *company should be subject to regulation in order to*
21 *enhance public safety.*

22 **SEC. 3. DEFINITIONS.**

23 *In this Act:*

1 (1) *CRIME OF VIOLENCE.*—The term “crime of
2 *violence*” has the same meaning as in section
3 924(c)(3) of title 18, United States Code.

4 (2) *PRIVATE PRISONER TRANSPORT COMPANY.*—
5 The term “private prisoner transport company”
6 means any entity, other than the United States, a
7 State, or an inferior political subdivision of a State,
8 which engages in the business of the transporting for
9 compensation, individuals committed to the custody
10 of any State or of an inferior political subdivision of
11 a State, or any attempt thereof.

12 (3) *VIOLENT PRISONER.*—The term “violent pris-
13 oner” means any individual in the custody of a State
14 or an inferior political subdivision of a State who has
15 previously been convicted of or is currently charged
16 with a crime of violence or any similar statute of a
17 State or the inferior political subdivisions of a State,
18 or any attempt thereof.

19 **SEC. 4. FEDERAL REGULATION OF PRISONER TRANSPORT**
20 **COMPANIES.**

21 (a) *IN GENERAL.*—Not later than 180 days after the
22 date of enactment of this Act, the Attorney General, in con-
23 sultation with the American Correctional Association and
24 the private prisoner transport industry, shall promulgate

1 *regulations relating to the transportation of violent pris-*
2 *oners in or affecting interstate commerce.*

3 (b) *STANDARDS AND REQUIREMENTS.—The regula-*
4 *tions shall include the following:*

5 (1) *Minimum standards for background checks*
6 *and preemployment drug testing for potential em-*
7 *ployees, including requiring criminal background*
8 *checks, to disqualify persons with a felony conviction*
9 *or domestic violence conviction as defined by section*
10 *921 of title 18, United States Code, for eligibility for*
11 *employment. Preemployment drug testing will be in*
12 *accordance with applicable State laws.*

13 (2) *Minimum standards for the length and type*
14 *of training that employees must undergo before they*
15 *can transport prisoners not to exceed 100 hours of*
16 *preservice training focusing on the transportation of*
17 *prisoners. Training shall be in the areas of use of re-*
18 *straints, searches, use of force, including use of appro-*
19 *priate weapons and firearms, CPR, map reading,*
20 *and defensive driving.*

21 (3) *Restrictions on the number of hours that em-*
22 *ployees can be on duty during a given time period.*
23 *Such restriction shall not be more stringent than cur-*
24 *rent applicable rules and regulations concerning*

1 *hours of service promulgated under the Federal Motor*
2 *Vehicle Safety Act.*

3 (4) *Minimum standards for the number of per-*
4 *sonnel that must supervise violent prisoners. Such*
5 *standards shall provide the transport entity with ap-*
6 *propriate discretion, and, absent more restrictive re-*
7 *quirements contracted for by the procuring govern-*
8 *ment entity, shall not exceed a requirement of 1 agent*
9 *for every 6 violent prisoners.*

10 (5) *Minimum standards for employee uniforms*
11 *and identification that require wearing of a uniform*
12 *with a badge or insignia identifying the employee as*
13 *a transportation officer.*

14 (6) *Standards establishing categories of violent*
15 *prisoners required to wear brightly colored clothing*
16 *clearly identifying them as prisoners, when appro-*
17 *priate.*

18 (7) *Minimum requirements for the restraints*
19 *that must be used when transporting violent pris-*
20 *oners, to include leg shackles and double-locked hand-*
21 *cuffs, when appropriate.*

22 (8) *A requirement that when transporting vio-*
23 *lent prisoners, private prisoner transport companies*
24 *notify local law enforcement officials 24 hours in ad-*
25 *vance of any scheduled stops in their jurisdiction.*

1 (9) *A requirement that in the event of an escape*
2 *by a violent prisoner, private prisoner transport com-*
3 *pany officials shall immediately notify appropriate*
4 *law enforcement officials in the jurisdiction where the*
5 *escape occurs, and the governmental entity that con-*
6 *tracted with the private prisoner transport company*
7 *for the transport of the escaped violent prisoner.*

8 (10) *Minimum standards for the safety of violent*
9 *prisoners in accordance with applicable Federal and*
10 *State law.*

11 (c) *FEDERAL STANDARDS.—Except for the require-*
12 *ments of subsection (b)(6), the regulations promulgated*
13 *under this Act shall not provide stricter standards with re-*
14 *spect to private prisoner transport companies than are ap-*
15 *plicable, without exception, to the United States Marshals*
16 *Service, Federal Bureau of Prisons, and the Immigration*
17 *and Naturalization Service when transporting violent pris-*
18 *oners under comparable circumstances.*

19 **SEC. 5. ENFORCEMENT.**

20 (a) *PENALTY.—Any person who is found in violation*
21 *of the regulations established by this Act shall—*

22 (1) *be liable to the United States for a civil pen-*
23 *alty in an amount not to exceed \$10,000 for each vio-*
24 *lation and, in addition, to the United States for the*
25 *costs of prosecution; and*

1 (2) *make restitution to any entity of the United*
2 *States, of a State, or of an inferior political subdivi-*
3 *sion of a State, which expends funds for the purpose*
4 *of apprehending any violent prisoner who escapes*
5 *from a prisoner transport company as the result, in*
6 *whole or in part, of a violation of regulations promul-*
7 *gated pursuant to section 4(a).*

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of violent prisoners.

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