

106TH CONGRESS
2D SESSION

S. 1898

IN THE HOUSE OF REPRESENTATIVES

OCTOBER 26, 2000

Referred to the Committee on the Judiciary

AN ACT

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 2000” or “Jeanna’s
6 Act”.

1 **SEC. 2. FINDINGS.**

2 Congress finds the following:

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

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

10 (3) Escapes by violent prisoners during trans-
11 port by private prisoner transport companies have
12 occurred.

13 (4) Oversight by the Attorney General is re-
14 quired to address these problems.

15 (5) While most governmental entities may pre-
16 fer to use, and will continue to use, fully trained and
17 sworn law enforcement officers when transporting
18 violent prisoners, fiscal or logistical concerns may
19 make the use of highly specialized private prisoner
20 transport companies an option. Nothing in this Act
21 should be construed to mean that governmental enti-
22 ties should contract with private prisoner transport
23 companies to move violent prisoners; however when
24 a government entity opts to use a private prisoner
25 transport company to move violent prisoners, then

1 the company should be subject to regulation in order
2 to enhance public safety.

3 **SEC. 3. DEFINITIONS.**

4 In this Act:

5 (1) CRIME OF VIOLENCE.—The term “crime of
6 violence” has the same meaning as in section
7 924(c)(3) of title 18, United States Code.

8 (2) PRIVATE PRISONER TRANSPORT COM-
9 PANY.—The term “private prisoner transport com-
10 pany” means any entity, other than the United
11 States, a State, or an inferior political subdivision of
12 a State, which engages in the business of the trans-
13 porting for compensation, individuals committed to
14 the custody of any State or of an inferior political
15 subdivision of a State, or any attempt thereof.

16 (3) VIOLENT PRISONER.—The term “violent
17 prisoner” means any individual in the custody of a
18 State or an inferior political subdivision of a State
19 who has previously been convicted of or is currently
20 charged with a crime of violence or any similar stat-
21 ute of a State or the inferior political subdivisions of
22 a State, or any attempt thereof.

1 **SEC. 4. FEDERAL REGULATION OF PRISONER TRANSPORT**
2 **COMPANIES.**

3 (a) IN GENERAL.—Not later than 180 days after the
4 date of enactment of this Act, the Attorney General, in
5 consultation with the American Correctional Association
6 and the private prisoner transport industry, shall promul-
7 gate regulations relating to the transportation of violent
8 prisoners in or affecting interstate commerce.

9 (b) STANDARDS AND REQUIREMENTS.—The regula-
10 tions shall include the following:

11 (1) Minimum standards for background checks
12 and preemployment drug testing for potential em-
13 ployees, including requiring criminal background
14 checks, to disqualify persons with a felony conviction
15 or domestic violence conviction as defined by section
16 921 of title 18, United States Code, for eligibility for
17 employment. Preemployment drug testing will be in
18 accordance with applicable State laws.

19 (2) Minimum standards for the length and type
20 of training that employees must undergo before they
21 can transport prisoners not to exceed 100 hours of
22 preservice training focusing on the transportation of
23 prisoners. Training shall be in the areas of use of re-
24 straints, searches, use of force, including use of ap-
25 propriate weapons and firearms, CPR, map reading,
26 and defensive driving.

1 (3) Restrictions on the number of hours that
2 employees can be on duty during a given time pe-
3 riod. Such restriction shall not be more stringent
4 than current applicable rules and regulations con-
5 cerning hours of service promulgated under the Fed-
6 eral Motor Vehicle Safety Act.

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

14 (5) Minimum standards for employee uniforms
15 and identification that require wearing of a uniform
16 with a badge or insignia identifying the employee as
17 a transportation officer.

18 (6) Standards establishing categories of violent
19 prisoners required to wear brightly colored clothing
20 clearly identifying them as prisoners, when appro-
21 priate.

22 (7) 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 (8) 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 (9) 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 (10) Minimum standards for the safety of vio-
14 lent prisoners in accordance with applicable Federal
15 and State law.

16 (c) FEDERAL STANDARDS.—Except for the require-
17 ments of subsection (b)(6), the regulations promulgated
18 under this Act shall not provide stricter standards with
19 respect to private prisoner transport companies than are
20 applicable, without exception, to the United States Mar-
21 shals Service, Federal Bureau of Prisons, and the Immi-
22 gration and Naturalization Service when transporting vio-
23 lent prisoners under comparable circumstances.

1 **SEC. 5. ENFORCEMENT.**

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

4 (1) be liable to the United States for a civil
5 penalty in an amount not to exceed \$10,000 for each
6 violation and, in addition, to the United States for
7 the costs of prosecution; and

8 (2) make restitution to any entity of the United
9 States, of a State, or of an inferior political subdivi-
10 sion of a State, which expends funds for the purpose
11 of apprehending any violent prisoner who escapes
12 from a prisoner transport company as the result, in
13 whole or in part, of a violation of regulations pro-
14 mulgated pursuant to section 4(a).

Passed the Senate October 25 (legislative day, Sep-
tember 22), 2000.

Attest:

GARY SISCO,
Secretary.