

17-22-17 Escapes -- Sheriff's liability.

A sheriff who suffers the escape of a person arrested in a civil action, without the consent or connivance of the party in whose behalf the arrest or imprisonment is made, is liable as follows:

- (1) When the arrest is upon an order to hold to bail or upon a surrender in exoneration of bail before judgment he is liable to the plaintiff as bail.
- (2) When the arrest is on an execution or commitment to enforce the payment of money he is liable for the amount expressed in the execution or commitment.
- (3) When the arrest is on an execution or commitment other than to enforce the payment of money he is liable for the actual damages sustained.
- (4) Upon being sued for damages for an escape or rescue he may introduce evidence in mitigation and exculpation.

No Change Since 1953