

By: Representatives Read, Snowden, Baker,
Banks, Beckett, Bennett, Boyd, Clarke,
Cockerham, Gipson, Watson, Sykes, Dixon

To: Appropriations

HOUSE BILL NO. 1587
(As Sent to Governor)

1 AN ACT MAKING AN APPROPRIATION FOR THE PURPOSE OF DEFRAYING
2 THE EXPENSES OF THE OFFICE OF STATE PUBLIC DEFENDER OF THE STATE
3 OF MISSISSIPPI FOR THE FISCAL YEAR 2019.

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

5 **SECTION 1.** The following sum, or so much thereof as may be
6 necessary, is appropriated out of any money in the State General
7 Fund not otherwise appropriated, for the purpose of defraying the
8 expenses of the Office of State Public Defender of the State of
9 Mississippi for the fiscal year beginning July 1, 2018, and ending
10 June 30, 2019.....\$ 3,096,489.00.

11 **SECTION 2.** Of the funds appropriated under the provisions of
12 Section 1, the following positions are authorized:

13 AUTHORIZED POSITIONS:

14	Permanent:	Full Time.....	25
15		Part Time.....	0
16	Time-Limited:	Full Time.....	0
17		Part Time.....	0



18 Any transfers or escalations shall be made in accordance with
19 the terms, conditions, and procedures established by law.

20 No general funds authorized to be expended herein shall be
21 used to replace federal funds and/or other special funds which are
22 being used for salaries authorized under the provisions of this
23 act and which are withdrawn and no longer available.

24 **SECTION 3.** In compliance with the "Mississippi Performance
25 Budget and Strategic Planning Act of 1994," it is the intent of
26 the Legislature that the funds provided herein shall be utilized
27 in the most efficient and effective manner possible to achieve the
28 intended mission of this agency. Based on the funding authorized,
29 this agency shall make every effort to attain the targeted
30 performance measures provided below:

31		FY2019
32	<u>Performance Measures</u>	<u>Target</u>
33	Capital Defense	
34	% of Trial Cases Opened Less than One Year	75.00
35	% Change in Running Average of Reversals	
36	due to ineffective Assistance of Counsel	-0.10
37	Average of Reversals due to Ineffective	
38	Assistance of Counsel	7.60

39 A reporting of the degree to which the performance targets
40 set above have been or are being achieved shall be provided in the
41 agency's budget request submitted to the Joint Legislative Budget
42 Committee for Fiscal Year 2020.



43 **SECTION 4.** It is the intention of the Legislature that the
44 Office of State Public Defender shall maintain complete accounting
45 and personnel records related to the expenditure of all funds
46 appropriated under this act and that such records shall be in the
47 same format and level of detail as maintained for Fiscal Year
48 2018. It is further the intention of the Legislature that the
49 agency's budget request for Fiscal Year 2020 shall be submitted to
50 the Joint Legislative Budget Committee in a format and level of
51 detail comparable to the format and level of detail provided
52 during the Fiscal Year 2019 budget request process.

53 **SECTION 5.** It is the intention of the Legislature that
54 whenever two (2) or more bids are received by this agency for the
55 purchase of commodities or equipment, and whenever all things
56 stated in such received bids are equal with respect to price,
57 quality and service, the Mississippi Industries for the Blind
58 shall be given preference. A similar preference shall be given to
59 the Mississippi Industries for the Blind whenever purchases are
60 made without competitive bids.

61 **SECTION 6.** It is the intention of the Legislature that the
62 funds herein appropriated shall be expended in compliance with
63 Section 27-104-25, Mississippi Code of 1972, that no state agency
64 shall incur obligations or indebtedness in excess of their
65 appropriation and that the responsible officers, either personally
66 or upon their official bonds, shall be held responsible for
67 actions contrary to this provision.



68 **SECTION 7.** Of the funds provided in Section 1, Two Hundred
69 Thousand Dollars (\$200,000.00) shall be provided for the Indigent
70 Parental Representation for the purpose of contracting with
71 trained and certified attorneys to represent indigent parents or
72 guardians in abuse, neglect or termination of parental rights
73 proceedings as provided under Sections 43-21-201 and 99-18-13,
74 Mississippi Code of 1972.

75 **SECTION 8.** The money herein appropriated shall be paid by
76 the State Treasurer out of any money in the State Treasury to the
77 credit of the proper fund or funds as set forth in this act, upon
78 warrants issued by the State Fiscal Officer; and the State Fiscal
79 Officer shall issue his warrants upon requisitions signed by the
80 proper person, officer or officers, in the manner provided by law.

81 **SECTION 9.** This act shall take effect and be in force from
82 and after July 1, 2018.

