

By: Representatives Read, Cockerham, Arnold,  
Beckett, Bennett, Bounds, Boyd, Busby, Clark,  
Clarke, Eure, Hines, Jackson, Turner, Watson,  
White, Young, Stamps

To: Appropriations

HOUSE BILL NO. 1627  
(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 2023.

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, 2022, and ending  
10 June 30, 2023.....\$ 3,448,278.00.

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

13 AUTHORIZED HEADCOUNT:

14 Permanent: 25

15 Time-Limited: 0

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



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21 act and which are withdrawn and no longer available.

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

|   | FY2023        |
|---|---------------|
| <u>Performance Measures</u>             | <u>Target</u> |
| Capital Defense                         |               |
| Percent of Trial Cases Opened Less Than |               |
| One Year                                | 75.00         |
| Percent Change in Running Average of    |               |
| Reversals Due to Ineffective Assistance |               |
| of Counsel                              | 0.10          |
| Average of Reversals Due to Ineffective |               |
| Assistance of Counsel                   | 7.90          |

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 2024.



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 2022. It is further the intention of the Legislature that the  
49 agency's budget request for Fiscal Year 2024 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 2023 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 Seventy-eight Thousand Five Hundred Dollars (\$278,500.00) shall be  
70 provided for the Indigent Parental Representation for the purpose  
71 of contracting with trained and certified attorneys to represent  
72 indigent parents or guardians in abuse, neglect or termination of  
73 parental rights proceedings as provided under Sections 43-21-201  
74 and 99-18-13, Mississippi Code of 1972.

75           **SECTION 8.** (1) In addition to all other funds appropriated  
76 herein, the following sum, or so much thereof as may be necessary,  
77 is hereby appropriated out of any money in the State Treasury to  
78 the credit of the Coronavirus State Fiscal Recovery Fund not  
79 otherwise appropriated, to the credit of the Office of the State  
80 Public Defender, for the fiscal year beginning July 1, 2022, and  
81 ending June 30, 2023.....\$    744,532.00.

82           These funds are provided for the purpose of funding  
83 additional salaries and office expenses for public defenders  
84 assigned to special temporary courts that supplement those  
85 authorized under Section 9-7-25, Mississippi Code of 1972,  
86 necessary to respond to the effects of the COVID-19 pandemic as  
87 allowable under Section 9901 of the American Rescue Plan Act of  
88 2021 (ARPA) or any guidance or regulation issued by the United  
89 States Department of the Treasury in conformity therewith.

90           (2) None of the funds provided under this section shall be  
91 used to pay employee premium payments.



92 (3) The agency shall not disburse any funds provided under  
93 this section to any recipient without first: (a) making an  
94 individualized determination that the reimbursement sought is, in  
95 the agency's independent judgment, for necessary expenditures  
96 eligible under Section 602 of the federal Social Security Act as  
97 added by Section 9901 of the federal American Rescue Plan Act of  
98 2021 (ARPA) and its implementing guidelines, guidance, rules,  
99 regulations and/or other criteria, as may be amended or  
100 supplemented from time to time, by the United States Department of  
101 the Treasury; and (b) determining that the recipient has not  
102 received and will not receive reimbursement for the expense in  
103 question from any source of funds, including insurance proceeds,  
104 other than those funds provided under Section 602 of the federal  
105 Social Security Act as added by Section 9901 of ARPA. In  
106 addition, the agency shall ensure that all funds provided under  
107 this section are disbursed in compliance with the Single Audit Act  
108 (31 USC Sections 7501-7507) and the related provisions of the  
109 Uniform Guidance, 2 CFR Section 200.303 regarding internal  
110 controls, Sections 200.330 through 200.332 regarding sub-recipient  
111 monitoring and management, and subpart F regarding audit  
112 requirements.

113 (4) As a condition of receiving and expending the funds  
114 provided to the agency under this section, the agency shall  
115 certify to the Department of Finance and Administration that each  
116 expenditure of the funds provided to the agency under this section



117 complies with the guidelines, guidance, rules, regulations and/or  
118 other criteria, as may be amended from time to time, of the United  
119 States Department of the Treasury regarding the use of monies from  
120 the Coronavirus State Fiscal Recovery Fund established by ARPA.

121 (5) If the Office of Inspector General of the United States  
122 Department of the Treasury, or the Office of Inspector General of  
123 any other federal agency having oversight over the use of monies  
124 from the Coronavirus State Fiscal Recovery Fund established by  
125 ARPA (a) determines that the agency or recipient has expended or  
126 otherwise used any of the funds provided to the agency under this  
127 section for any purpose that is not in compliance with the  
128 guidelines, guidance, rules, regulations and/or other criteria, as  
129 may be amended from time to time, of the United States Department  
130 of the Treasury regarding the use of monies from the Coronavirus  
131 State Fiscal Recovery Fund established by the ARPA, and (b) the  
132 State of Mississippi is required to repay the federal government  
133 for any of those funds that the Office of the Inspector General  
134 determined were expended or otherwise used improperly by the  
135 agency or recipient, then the agency or recipient that expended or  
136 otherwise used those funds improperly shall be required to pay the  
137 amount of those funds to the State of Mississippi for repayment to  
138 the federal government.

139 **SECTION 9.** The money herein appropriated shall be paid by  
140 the State Treasurer out of any money in the State Treasury to the  
141 credit of the proper fund or funds as set forth in this act, upon



142 warrants issued by the State Fiscal Officer; and the State  
143 Fiscal Officer shall issue his warrants upon requisitions signed  
144 by the proper person, officer or officers, in the manner provided  
145 by law.

146 **SECTION 10.** This act shall take effect and be in force from  
147 and after July 1, 2022.

