

By: Representatives Mims, Read, Barton,
Cockerham, Faulkner, Hood, McKnight, Rushing,
Watson

To: Appropriations D;
Appropriations A

HOUSE BILL NO. 1819

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 2025.

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, 2024, and ending
10 June 30, 2025.....\$ 4,114,989.00.

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21 act and which are withdrawn and no longer available.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:

	FY2025
<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	8

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 2026.



43 **SECTION 4.** Of the funds provided in Section 1 of this act,
44 Four Hundred Forty-six Thousand Five Hundred Twenty-one Dollars
45 (\$446,521.00), or so much thereof as may be necessary, is provided
46 for costs associated with the Capitol Complex Improvement District
47 established in Section 29-5-203, Mississippi Code of 1972.

48 **SECTION 5.** It is the intention of the Legislature that the
49 Office of State Public Defender shall maintain complete accounting
50 and personnel records related to the expenditure of all funds
51 appropriated under this act and that such records shall be in the
52 same format and level of detail as maintained for Fiscal Year
53 2024. It is further the intention of the Legislature that the
54 agency's budget request for Fiscal Year 2026 shall be submitted to
55 the Joint Legislative Budget Committee in a format and level of
56 detail comparable to the format and level of detail provided
57 during the Fiscal Year 2025 budget request process.

58 **SECTION 6.** It is the intention of the Legislature that
59 whenever two (2) or more bids are received by this agency for the
60 purchase of commodities or equipment, and whenever all things
61 stated in such received bids are equal with respect to price,
62 quality and service, the Mississippi Industries for the Blind
63 shall be given preference. A similar preference shall be given to
64 the Mississippi Industries for the Blind whenever purchases are
65 made without competitive bids.

66 **SECTION 7.** It is the intention of the Legislature that the
67 funds herein appropriated shall be expended in compliance with



68 Section 27-104-25, Mississippi Code of 1972, that no state agency
69 shall incur obligations or indebtedness in excess of their
70 appropriation and that the responsible officers, either personally
71 or upon their official bonds, shall be held responsible for
72 actions contrary to this provision.

73 **SECTION 8.** Of the funds provided in Section 1, Two Hundred
74 Seventy-eight Thousand Five Hundred Dollars (\$278,500.00) shall be
75 provided for the Indigent Parental Representation for the purpose
76 of contracting with trained and certified attorneys to represent
77 indigent parents or guardians in abuse, neglect or termination of
78 parental rights proceedings as provided under Sections 43-21-201
79 and 99-18-13, Mississippi Code of 1972.

80 **SECTION 9.** The money herein appropriated shall be paid by
81 the State Treasurer out of any money in the State Treasury to the
82 credit of the proper fund or funds as set forth in this act, upon
83 warrants issued by the State Fiscal Officer; and the State Fiscal
84 Officer shall issue his warrants upon requisitions signed by the
85 proper person, officer or officers, in the manner provided by law.

86 **SECTION 10.** This act shall take effect and be in force from
87 and after July 1, 2024, and shall stand repealed June 30, 2024.

