

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

To: Appropriations D;
Appropriations A

HOUSE BILL NO. 1819
(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 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.....\$ 4,554,947.00.

11 **SECTION 2.** The following sum, or so much thereof as may be
12 necessary, is appropriated out of any money in any special fund in
13 the State Treasury to the credit of the Office of State Public
14 Defender which is comprised of special source funds collected by
15 or otherwise available to the office, to defray the expenses of
16 the office for the fiscal year beginning July 1, 2024, and ending
17 June 30, 2025.....\$ 60,000.00.



18 **SECTION 3.** Of the funds appropriated under the provisions of
19 Section 1, the following positions are authorized:

20 AUTHORIZED HEADCOUNT:

21 Permanent: 25

22 Time-Limited: 0

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

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28 act and which are withdrawn and no longer available.

29 **SECTION 4.** In compliance with the "Mississippi Performance
30 Budget and Strategic Planning Act of 1994," it is the intent of
31 the Legislature that the funds provided herein shall be utilized
32 in the most efficient and effective manner possible to achieve the
33 intended mission of this agency. Based on the funding authorized,
34 this agency shall make every effort to attain the targeted
35 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	



43 of Counsel 0.10
44 Average of Reversals Due to Ineffective
45 Assistance of Counsel 8

46 A reporting of the degree to which the performance targets
47 set above have been or are being achieved shall be provided in the
48 agency's budget request submitted to the Joint Legislative Budget
49 Committee for Fiscal Year 2026.

50 **SECTION 5.** Of the funds provided in Section 1 of this act,
51 Four Hundred Forty-six Thousand Five Hundred Twenty-one Dollars
52 (\$446,521.00), or so much thereof as may be necessary, is provided
53 for three (3) full-time assistant public defenders pursuant to
54 House Bill 1020, 2023 Regular Session, and engrossed in Section
55 25-32-4, Mississippi Code of 1972.

56 **SECTION 6.** It is the intention of the Legislature that the
57 Office of State Public Defender shall maintain complete accounting
58 and personnel records related to the expenditure of all funds
59 appropriated under this act and that such records shall be in the
60 same format and level of detail as maintained for Fiscal Year
61 2024. It is further the intention of the Legislature that the
62 agency's budget request for Fiscal Year 2026 shall be submitted to
63 the Joint Legislative Budget Committee in a format and level of
64 detail comparable to the format and level of detail provided
65 during the Fiscal Year 2025 budget request process.

66 **SECTION 7.** It is the intention of the Legislature that
67 whenever two (2) or more bids are received by this agency for the



68 purchase of commodities or equipment, and whenever all things
69 stated in such received bids are equal with respect to price,
70 quality and service, the Mississippi Industries for the Blind
71 shall be given preference. A similar preference shall be given to
72 the Mississippi Industries for the Blind whenever purchases are
73 made without competitive bids.

74 **SECTION 8.** It is the intention of the Legislature that the
75 funds herein appropriated shall be expended in compliance with
76 Section 27-104-25, Mississippi Code of 1972, that no state agency
77 shall incur obligations or indebtedness in excess of their
78 appropriation and that the responsible officers, either personally
79 or upon their official bonds, shall be held responsible for
80 actions contrary to this provision.

81 **SECTION 9.** Of the funds provided in Section 1, Two Hundred
82 Seventy-eight Thousand Five Hundred Dollars (\$278,500.00) shall be
83 provided for the Indigent Parental Representation for the purpose
84 of contracting with trained and certified attorneys to represent
85 indigent parents or guardians in abuse, neglect or termination of
86 parental rights proceedings as provided under Sections 43-21-201
87 and 99-18-13, Mississippi Code of 1972.

88 **SECTION 10.** Of the funds provided in Section 1, Two Hundred
89 Thirty-five Thousand Nine Hundred Twenty-six Dollars (\$235,926.00)
90 is provided for the establishment of a Youth Defender Program for
91 the purpose of hiring an experienced Youth Defender and legal
92 assistant to support training and technical services and provide



93 appellate representation as provided under Section 43-21-201,
94 Mississippi Code of 1972.

95 **SECTION 11.** Of the funds appropriated under the provisions of
96 Section 2, Sixty Thousand Dollars (\$60,000.00), or so much thereof
97 as may be necessary, shall be derived out of any money in the
98 State Treasury to the credit of the Capital Expense Fund, as
99 created in Section 27-103-303, Mississippi Code of 1972, and
100 allocated in a manner as determined by the Treasurer's Office.
101 These funds are provided for the support of the Hinds County
102 Public Defender's Office.

103 **SECTION 12.** The money herein appropriated shall be paid by
104 the State Treasurer out of any money in the State Treasury to the
105 credit of the proper fund or funds as set forth in this act, upon
106 warrants issued by the State Fiscal Officer; and the State Fiscal
107 Officer shall issue warrants upon requisitions signed by the
108 proper person, officer or officers, in the manner provided by law.

109 **SECTION 13.** This act shall take effect and be in force from
110 and after July 1, 2024.

