

Senate Amendments to House Bill No. 1819

TO THE CLERK OF THE HOUSE:

THIS IS TO INFORM YOU THAT THE SENATE HAS ADOPTED THE AMENDMENTS SET OUT BELOW:

AMENDMENT NO. 1

Amend by striking all after the enacting clause and inserting in lieu thereof the following:

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21 act and which are withdrawn and no longer available.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>
31 Capital Defense	
32 Percent of Trial Cases Opened Less Than	
33 One Year	75.00
34 Percent Change in Running Average of	
35 Reversals Due to Ineffective Assistance	
36 of Counsel	0.10
37 Average of Reversals Due to Ineffective	
38 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 three (3) full-time assistant public defenders pursuant to

47 House Bill 1020, 2023 Regular Session, and engrossed in Section
48 25-32-4, Mississippi Code of 1972.

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

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

67 **SECTION 7.** It is the intention of the Legislature that the
68 funds herein appropriated shall be expended in compliance with
69 Section 27-104-25, Mississippi Code of 1972, that no state agency
70 shall incur obligations or indebtedness in excess of their
71 appropriation and that the responsible officers, either personally

72 or upon their official bonds, shall be held responsible for
73 actions contrary to this provision.

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

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

87 **SECTION 10.** This act shall take effect and be in force from
88 and after July 1, 2024, and shall stand repealed June 29, 2024.

**Further, amend by striking the title in its entirety and
inserting in lieu thereof the following:**

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.

SS15\HB1819A.J

Amanda White
Secretary of the Senate