

By: Representatives Harness, Jackson (45th)

To: Judiciary B

HOUSE BILL NO. 1005

1 AN ACT TO AMEND SECTION 99-15-17, MISSISSIPPI CODE OF 1972,
2 TO REVISE THE COMPENSATION FOR INDIGENT COUNSEL; TO BRING FORWARD
3 SECTION 25-32-5, MISSISSIPPI CODE OF 1972, WHICH PROVIDES THE
4 COMPENSATION FOR PUBLIC DEFENDERS, FOR PURPOSES OF AMENDMENT; AND
5 FOR RELATED PURPOSES.

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

7 **SECTION 1.** Section 99-15-17, Mississippi Code of 1972, is
8 amended as follows:

9 99-15-17. The compensation for counsel for indigents
10 appointed as provided in Section 99-15-15, shall be approved and
11 allowed by the appropriate judge and in any one (1) case may
12 not * * * be less than Three Thousand Dollars (\$3,000.00) for
13 representation in circuit court whether on appeal or originating
14 in said court. Provided, however, if said case is not appealed to
15 or does not originate in a court of record, the maximum
16 compensation shall not exceed * * * One Thousand Five Hundred
17 Dollars (\$1,500.00) for any one (1) case, the amount of such
18 compensation to be approved by a judge of the chancery court,
19 county court or circuit court in the county where the case arises.



20 Provided, however, in a capital case two (2) attorneys may be
21 appointed, and the compensation may * * * not be less than Four
22 Thousand Dollars (\$4,000.00) per case. If the case is appealed to
23 the state supreme court by counsel appointed by the judge, the
24 allowable fee for services on appeal shall not * * * be less than
25 Three Thousand Dollars (\$3,000.00) per case. In addition, the
26 judge shall allow reimbursement of actual expenses. The attorney
27 or attorneys so appointed shall itemize the time spent in
28 defending said indigents together with an itemized statement of
29 expenses of such defense, and shall present same to the
30 appropriate judge. The fees and expenses as allowed by the
31 appropriate judge shall be paid by the county treasurer out of the
32 general fund of the county in which the prosecution was commenced.

33 **SECTION 2.** Section 25-32-5, Mississippi Code of 1972, is
34 brought forward as follows:

35 25-32-5. Compensation for the public defender shall be fixed
36 by the board of supervisors or boards of supervisors, if two (2)
37 or more counties are acting jointly; provided, however, the
38 compensation for a public defender, who shall be full-time,
39 representing an entire circuit court district shall not be less
40 than the compensation of the district attorney, the compensation
41 for a public defender representing one (1) county shall not be
42 less than the compensation of the county prosecuting attorney and
43 the compensation for a public defender representing two (2) or
44 more counties, but less than the entire circuit court district,



45 shall not be less than the aggregate of the compensation for
46 county prosecuting attorneys of the counties served, but in no
47 event to exceed the compensation of the district attorney. No
48 full-time public defender or full-time assistant public defenders
49 shall engage nor be associated with any person in the private
50 practice of law. Part-time public defenders or part-time
51 assistant public defenders may engage in the private practice of
52 the law as long as such practice does not relate to the
53 prosecution of criminal matters.

54 **SECTION 3.** This act shall take effect and be in force from
55 and after July 1, 2025.

