

By: Representative Foster

To: State Affairs;
Appropriations A

HOUSE BILL NO. 1045

1 AN ACT TO AMEND SECTION 25-32-4, MISSISSIPPI CODE OF 1972, TO
2 INCREASE THE AUTHORIZED NUMBER OF FULL-TIME ASSISTANT PUBLIC
3 DEFENDERS WHO WILL PERFORM DUTIES IN THE SEVENTH CIRCUIT COURT
4 DISTRICT AND THE CAPITOL COMPLEX IMPROVEMENT DISTRICT (CCID)
5 INFERIOR COURT; TO PROVIDE THAT THOSE FULL-TIME ASSISTANT PUBLIC
6 DEFENDERS SHALL BE PROVIDED WITH OFFICE SPACE, EQUIPMENT AND
7 SUPPLIES, TWO INVESTIGATORS, TWO LEGAL SECRETARIES, AND ALL
8 REASONABLE EXPENSES OF OPERATING THE OFFICE, AT LEAST EQUAL TO OR
9 MORE THAN THE DISTRICT ATTORNEY OF THE SEVENTH CIRCUIT COURT
10 DISTRICT, SUBJECT TO AVAILABLE FUNDS SPECIFICALLY APPROPRIATED BY
11 THE LEGISLATURE; TO BRING FORWARD SECTIONS 25-32-3, 25-32-5 AND
12 25-32-7, MISSISSIPPI CODE OF 1972, WHICH RELATE TO APPOINTMENT OF
13 PUBLIC DEFENDERS AND ASSISTANT PUBLIC DEFENDERS, COMPENSATION FOR
14 PUBLIC DEFENDERS, AND OFFICE SPACE AND EXPENSES FOR PUBLIC
15 DEFENDERS, FOR THE PURPOSE OF POSSIBLE AMENDMENT; AND FOR RELATED
16 PURPOSES.

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

18 **SECTION 1.** Section 25-32-4, Mississippi Code of 1972, is
19 amended as follows:

20 25-32-4. (1) The public defender of the Seventh Circuit
21 Court District may appoint * * * six (6) full-time assistant
22 public defenders, who shall perform duties in the Seventh Circuit
23 Court District and the Capitol Complex Improvement District (CCID)
24 Inferior Court. Such appointments shall be made in addition to
25 those authorized as of July 1, 2023 in Section 25-32-3. The



26 full-time assistant public defenders shall receive compensation in
27 an amount equal to the compensation paid to full-time assistant
28 public defenders in the Seventh Circuit Court District, subject to
29 available funds specifically appropriated by the Legislature.

30 (2) The full-time assistant public defenders appointed under
31 this section shall be provided with office space, equipment and
32 supplies, two (2) investigators, two (2) legal secretaries, and
33 all reasonable expenses of operating the office, at least equal to
34 or more than the District Attorney of the Seventh Circuit Court
35 District, subject to available funds specifically appropriated by
36 the Legislature.

37 **SECTION 2.** Section 25-32-3, Mississippi Code of 1972, is
38 brought forward as follows:

39 25-32-3. (1) When the office of public defender is
40 established, the circuit judge or the senior circuit judge, if
41 there be more than one (1) circuit judge, shall appoint a
42 practicing attorney to serve the county or counties as public
43 defender until the end of the term of office of the district
44 attorney and thereafter for a term of four (4) years and said term
45 shall coincide with the term of the district attorney. Such
46 appointee shall be selected from a list of two (2) or more
47 attorneys recommended by the county or regional bar association.
48 In the event a vacancy shall occur in the office of the public
49 defender, the circuit judge or the senior circuit judge, if there
50 be more than one (1) circuit judge, shall appoint another person



to serve as public defender until the end of the regular term of office.

(2) Assistant public defenders may be authorized by the board of supervisors, or boards of supervisors if two (2) or more counties are acting jointly. The public defender shall appoint all assistant public defenders. Such assistant public defenders may be compensated in such an amount as may be authorized by the respective board of supervisors; provided, however, that in no case may such assistant public defenders receive compensation in an amount greater than that received by the public defender.

SECTION 3. Section 25-32-5, Mississippi Code of 1972, is brought forward as follows:

25-32-5. Compensation for the public defender shall be fixed by the board of supervisors or boards of supervisors, if two (2) or more counties are acting jointly; provided, however, the compensation for a public defender, who shall be full-time, representing an entire circuit court district shall not be less than the compensation of the district attorney, the compensation for a public defender representing one (1) county shall not be less than the compensation of the county prosecuting attorney and the compensation for a public defender representing two (2) or more counties, but less than the entire circuit court district, shall not be less than the aggregate of the compensation for county prosecuting attorneys of the counties served, but in no event to exceed the compensation of the district attorney. No



76 full-time public defender or full-time assistant public defenders
77 shall engage nor be associated with any person in the private
78 practice of law. Part-time public defenders or part-time
79 assistant public defenders may engage in the private practice of
80 the law as long as such practice does not relate to the
81 prosecution of criminal matters.

82 **SECTION 4.** Section 25-32-7, Mississippi Code of 1972, is
83 brought forward as follows:

84 25-32-7. (1) The public defender shall be provided with
85 office space, secretarial assistance, and all reasonable expenses
86 of operating the office, at least equal to or more than the county
87 prosecuting attorney, or the district attorney if the public
88 defender represents the entire circuit court district. The
89 compensation and expenses of the public defender's office shall be
90 paid by the county or counties if two (2) or more counties are
91 acting jointly. The funds shall be paid upon allowance by the
92 board of supervisors by order spread upon the minutes of the
93 board.

94 (2) The public defender is authorized to assign the duties
95 of and exercise supervision over all employees of the office
96 without regard to the source of funding for those employees.

97 **SECTION 5.** This act shall take effect and be in force from
98 and after July 1, 2025.

