

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

To: Appropriations D;
Appropriations A

HOUSE BILL NO. 1763

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 2026.

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, 2025, and ending
10 June 30, 2026.....\$ 4,373,202.00.

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.



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and/or other special funds which are being used for salaries authorized under the provisions of this act and which are withdrawn and no longer available.

SECTION 3. In compliance with the "Mississippi Performance Budget and Strategic Planning Act of 1994," it is the intent of the Legislature that the funds provided herein shall be utilized in the most efficient and effective manner possible to achieve the intended mission of this agency. Based on the funding authorized, this agency shall make every effort to attain the targeted performance measures provided below:

	FY2026
<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	0.00
Average of Reversals Due to Ineffective	
Assistance of Counsel	8

A reporting of the degree to which the performance targets set above have been or are being achieved shall be provided in the agency's budget request submitted to the Joint Legislative Budget 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 2025. It is further the intention of the Legislature that the
55 agency's budget request for Fiscal Year 2027 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 2026 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, Four Hundred
75 Twenty-two Thousand Five Hundred Dollars (\$422,500.00) 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.** Of the funds provided in Section 1, Two Hundred
82 Thirty-five Thousand Nine Hundred Twenty-six Dollars (\$235,926.00)
83 is provided for the purpose of employing an experienced Youth
84 Defender and legal assistant to support training and technical
85 services and provide appellate representation as provided under
86 Section 43-21-201, Mississippi Code of 1972.

87 **SECTION 10.** The following sum, or so much thereof as may be
88 necessary, is reappropriated out of any money in the Capital
89 Expense Fund not otherwise appropriated, for the Office of State
90 Public Defender for the purpose of reauthorizing the expenditure
91 of Capital Expense Funds as authorized in House Bill 1819, 2024



Regular Session, for the fiscal year beginning July 1, 2025, and
ending June 30, 2026.....\$ 60,000.00.

This reappropriation is made for the purpose of reauthorizing
the expenditure of funds for the Hinds County Public Defender's
Office.

Notwithstanding the amount reappropriated under this section,
the amount that may be expended under the authority of this
section shall not exceed the unexpended balance of the funds
remaining as of June 30, 2025, from the amount authorized for the
previous fiscal year. In addition, this reappropriation shall not
change the purpose for which the funds were originally authorized.

SECTION 11. The money herein appropriated shall be paid by
the State Treasurer out of any money in the State Treasury to the
credit of the proper fund or funds as set forth in this act, upon
warrants issued by the State Fiscal Officer; and the State Fiscal
Officer shall issue warrants upon requisitions signed by the
proper person, officer or officers, in the manner provided by law.

SECTION 12. This act shall take effect and be in force from
and after July 1, 2025.

