

**Senate Amendments to House Bill No. 1763**

**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, 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.

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21 act and which are withdrawn and no longer available.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:

	FY2026
<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	0.00
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 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  
92 Regular Session, for the fiscal year beginning July 1, 2025, and  
93 ending June 30, 2026.....\$ 60,000.00.

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

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

103           **SECTION 11.** 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 12.** This act shall take effect and be in force from  
110 and after July 1, 2025, and shall stand repealed from and after  
111 June 30, 2025.

**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 2026.

SS15\HB1763A.J

Amanda White  
Secretary of the Senate