

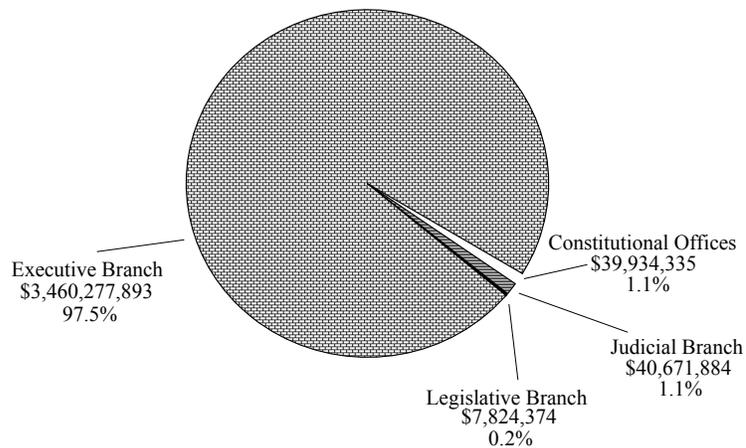
**FINANCES, RECEIPTS AND  
DISBURSEMENTS**

**Table 5. STATE BUDGET - FY2009**

BRANCH OF GOVERNMENT	BUDGETED FTE	PERCENT OF TOTAL	BUDGET AMOUNT *	PERCENT OF TOTAL
<b>EXECUTIVE BRANCH DEPARTMENTS:</b>				
Executive Management	689.3	4.8%	\$138,428,146	3.9%
Revenue and Regulation	327.1	2.3%	\$58,975,216	1.7%
Agriculture	198.8	1.4%	\$31,527,835	0.9%
Tourism	193.9	1.4%	\$77,359,165	2.2%
Game, Fish and Parks	566.6	4.0%	\$66,893,879	1.9%
Social Services	1,001.5	7.0%	\$813,666,827	22.9%
Health	400.2	2.8%	\$73,780,955	2.1%
Labor	428.5	3.0%	\$42,370,105	1.2%
Transportation	1,040.3	7.3%	\$489,696,290	13.8%
Education	141.0	1.0%	\$598,922,473	16.9%
Public Safety	414.5	2.9%	\$51,847,926	1.5%
Board of Regents	5,565.5	38.9%	\$613,975,249	17.3%
Military and Veteran's Affairs	196.1	1.4%	\$30,865,205	0.9%
Corrections	901.5	6.3%	\$107,699,113	3.0%
Human Services	1,219.7	8.5%	\$245,996,646	6.9%
Environment and Natural Resources	176.5	1.2%	\$18,272,863	0.5%
<b>EXECUTIVE BRANCH TOTAL</b>	<b>13,461.0</b>	<b>94.1%</b>	<b>\$3,460,277,893</b>	<b>97.5%</b>
<b>CONSTITUTIONAL OFFICES</b>	<b>262.5</b>	<b>1.8%</b>	<b>\$39,934,335</b>	<b>1.1%</b>
<b>LEGISLATIVE BRANCH</b>	<b>69.3</b>	<b>0.5%</b>	<b>\$7,824,374</b>	<b>0.2%</b>
<b>JUDICIAL BRANCH</b>	<b>518.4</b>	<b>3.6%</b>	<b>\$40,671,884</b>	<b>1.1%</b>
<b>STATE TOTALS</b>	<b>14,311.2</b>	<b>100.0%</b>	<b>\$3,548,708,486</b>	<b>100.0%</b>

\* Includes Informational Budgets

**Chart 2. South Dakota State Budget  
FY2009**



## FINANCING THE JUDICIAL SYSTEM

Each year the judicial system collects millions of dollars in fines, bond forfeitures, fees, and costs (Table 7 on page 23). Money collected by the judiciary is disbursed to public entities such as state agencies, school districts, municipalities, counties, and the state general fund.

The state judicial system is primarily financed by the state general fund, however, as illustrated in the budget allocation data (Table 5 on page 18), the judiciary's share of the state's budgetary pie is very small in comparison to the executive branch.

The state is responsible for funding the operations of the Supreme Court, the State Court Administrator's Office, circuit courts, clerks of court, and court services programs. State funding provides for salaries and benefits for judges and employees in these operations. This year's personal services expenditures were \$30.3 million for the system's full and part-time employees. The state also funded operating costs, including encumbrances, of \$7.8 million this fiscal year, which included travel, contractual services, supplies and materials, and capital assets.

In addition to state funding, city and county governments are required by state law to pay for certain court-related expenses. Each county is responsible for supporting court operations by paying all jury and witness fees, transcript and interpreter costs, and attorney fees for defense of the indigent. Counties are also required

to provide operational facilities for the circuit court, clerk of court, and court services. Operational facilities include office space, courtrooms, jury rooms, and other space needed to support the court's operations. In addition, many counties maintain their own county law libraries, funded in part by a law library fee collected by the UJS on each civil filing made in circuit court.

Municipalities are generally required to fund those activities which are necessary to enforce municipal ordinances and bylaws. These activities include jury fees, witness fees, transcript costs, and attorney fees for indigent defendants as applicable to city ordinance violation. Municipalities also provide facilities for some magistrate courts consisting of office space, courtrooms, and other meeting rooms to support formal court activities.

The State Court Administrator's Office, Division of Budget and Finance, manages the fiscal operations of the Unified Judicial System. This office prepares and submits the annual budget, administers the annual operating budget, and manages a uniform accounting system for the receipt and disbursement of all funds handled by circuit and magistrate courts. The following definitions apply to the information listed in Table 6 on page 22.



**Victim Compensation Surcharge:**

A charge of \$2.50 assessed against a defendant in any criminal action which resulted from a violation of state law or county or municipal ordinance (except parking violations), and which is used to assist crime victims to recover some of the costs they incurred as a result of the crime.

**Liquidated Costs:**

A \$40.00 surcharge assessed for all criminal convictions. Thirty dollars is deposited into the law enforcement officers training fund, six dollars into the court appointed attorney and public defender payment fund, two dollars goes to the court appointed special advocates fund (CASA), one dollar into the 911 telecommunicator training fund, and one dollar into the abused and neglected child defense fund. The money is paid into the State Treasury for distribution (SDCL 23-3-53.)

**Cash Fees:** Fees charged for filing various civil actions. This money is paid into the county general fund.

**Divorce Fee:** A \$50 fee for filing a divorce action. Half of the fee is deposited in the county domestic abuse program fund and the remaining half in the county general fund.

**Law Library Fee:** A fee of \$2.00 or \$5.00 charged in addition to the civil case filing fee and used to support the county law library.

**Petty Offense Judgment:** A judgment of \$20 assessed for minor state violations designated as petty offenses. The money is deposited in the county treasury.

**Restitution:** Money which the court collects from a defendant to reimburse the victim for monetary loss caused by the crime. The money is paid to the victim.

**Court-Appointed Attorney Fee:**

Costs recovered from indigent defendants to reimburse the county general fund for payment of the defendant's court-appointed attorney. The money is paid to the county treasury.

**NSF Charge:** Thirty dollars charged a person who issues to the state or a political subdivision a check or other draft that is not honored by the person's bank.

**Drug Test/Monitor Fees:** Fees charged to probationers to cover the cost of drug testing or monitoring while on probation.

**Change of Venue:** Fees or fines collected to be paid to another county court.

**Child Support:** Payments ordered by the court from one party in a divorce action to the other party as financial support for the children involved. Effective October 1, 1998 all child support payments made as a result of a new or modified court order will be processed through the South Dakota Department of Social Services.

**Civil Pass Through:** Payments collected in conjunction with a civil case and forwarded to the legal recipient.

**Passports:** Fees collected for processing U.S. passport applications. These funds are paid into the state general fund.

**Trust Fund:** Interest-bearing money deposited with a clerk pending a decision regarding ownership.

**Other:** Collections that do not fit any of the foregoing categories.

**Table 6. CLERK OF COURT RECEIPTS AND DISBURSEMENTS - FY2009**

<u>RECEIPTS</u>	<u>FIRST CIRCUIT</u>	<u>SECOND CIRCUIT</u>	<u>THIRD CIRCUIT</u>	<u>FOURTH CIRCUIT</u>	<u>FIFTH CIRCUIT</u>	<u>SIXTH CIRCUIT</u>	<u>SEVENTH CIRCUIT</u>	<u>STATE TOTAL</u>
BONDS/UNDERTAKINGS/NO-INT TRUST	741,501	1,594,818	629,758	1,097,204	340,735	599,114	966,575	5,969,704
CITY FINES	111,723	706,833	152,458	25,764	62,305	12,161	97,176	1,168,420
CITY COSTS	1,543	5,804	303	377	0	503	2,240	10,770
CITY FORFEITURES	0	3,629	150	0	0	0	0	3,779
CITY PENALTIES	0	10	0	0	0	0	20	30
COUNTY FINES	4,825	701	1,714	205	53	38	672	8,208
COUNTY COSTS	160	21	0	135	0	0	40	356
COUNTY FORFEITURES	0	0	0	0	0	0	0	0
COUNTY PENALTIES	0	0	0	0	0	0	0	0
STATE FINES	1,726,077	1,717,090	1,664,265	1,225,211	1,247,311	664,288	1,504,308	9,748,551
STATE COSTS	134,621	153,115	122,031	113,207	68,145	43,154	156,625	790,899
STATE FORFEITURES	30,804	179,663	47,410	24,009	21,654	28,931	103,720	436,191
STATE PENALTIES	152,650	111,235	101,742	54,855	200,518	81,642	35,389	738,030
LIQUIDATED COSTS	782,439	1,478,438	710,904	392,979	540,670	317,149	805,981	5,028,560
COURT AUTOMATION FUND	575,733	662,961	1,415,555	270,671	437,703	334,249	386,473	4,083,342
VICTIM COMPENSATION - SURCHARGE	49,118	91,615	44,635	24,619	33,900	19,977	50,316	314,180
CASH FEES	163,257	333,244	163,098	87,306	107,680	57,074	181,478	1,093,137
DIVORCE FEES	18,650	38,700	19,700	13,350	11,600	7,350	29,250	138,600
LAW LIBRARY FEES	25,663	54,130	25,927	13,261	16,094	8,345	29,128	172,548
POSTAGE (SMALL CLAIMS)	32,558	75,648	32,999	12,906	21,027	9,697	37,037	221,872
PETTY OFFENSE	36,542	123,405	43,848	18,011	33,311	24,773	49,312	329,201
RESTITUTION	518,679	704,246	479,187	306,139	592,724	197,627	639,604	3,438,206
COURT APPOINTED ATTORNEY FEES *	168,517	536,526	315,935	225,588	192,284	177,647	370,213	1,986,710
NSF CHECK CHARGES	2,160	2,060	1,540	660	930	630	2,700	10,680
PASSPORT FEES	11,825	0	0	4,875	13,825	4,525	0	35,050
MARRIAGE FEES	6,440	0	4,520	1,020	2,700	1,600	680	16,960
DRUG TEST AND MONITORING FEES	70,972	166,328	91,468	15,049	41,745	21,546	74,201	481,307
CHANGE OF VENUE	1,688	1,068	1,290	693	573	550	1,090	6,952
CHILD SUPPORT	133,811	165,295	255,411	105,440	61,549	85,525	182,171	989,201
CIVIL PASS THROUGH	18,905	20,862	3,125	1,774	22,375	16,530	11,414	94,986
ALIMONY	168,837	42,119	76,947	3,575	9,100	8,400	54,925	363,903
INTEREST-BEARING TRUST FUNDS	19,658	2,838	0	0	843	0	0	23,339
OTHER	25,315	51,845	23,050	10,091	14,131	5,022	45,724	175,179
<b>TOTAL RECEIVED</b>	<b>\$5,734,669</b>	<b>\$9,024,246</b>	<b>\$6,428,969</b>	<b>\$4,048,972</b>	<b>\$4,095,484</b>	<b>\$2,728,047</b>	<b>\$5,818,463</b>	<b>\$37,878,850</b>
<b>DISBURSEMENTS</b>								
BOND REFUNDS	744,571	1,555,883	879,730	428,473	535,341	398,164	1,476,985	6,019,146
REMITTED TO STATE	1,539,478	2,650,312	2,322,634	718,961	1,093,298	703,946	1,354,604	10,383,233
REMITTED TO CITY	74,163	467,611	99,498	17,123	40,498	8,408	65,417	772,719
REMITTED TO COUNTY	2,460,077	3,247,584	2,505,071	1,775,065	1,898,631	1,093,229	2,459,901	15,439,558
CHANGE OF VENUE	1,688	1,068	1,290	693	573	550	1,090	6,952
RESTITUTION	493,666	734,526	466,454	286,493	592,106	179,523	637,697	3,390,465
POSTAGE (SMALL CLAIMS)	32,558	75,648	32,999	12,906	21,027	9,697	37,037	221,872
CHILD SUPPORT	133,811	165,295	255,411	105,440	61,549	85,525	182,171	989,201
CIVIL PASS THROUGH	18,905	20,862	3,125	1,774	22,375	16,530	11,414	94,986
ALIMONY	168,837	42,119	76,947	3,575	9,100	8,400	54,925	363,903
INTEREST-BEARING TRUST FUNDS	17,582	53,715	0	0	27,395	0	0	98,692
OTHER	30,877	43,504	22,245	6,326	13,578	7,541	37,934	162,005
<b>TOTAL DISBURSED</b>	<b>\$5,716,211</b>	<b>\$9,058,126</b>	<b>\$6,665,404</b>	<b>\$3,356,830</b>	<b>\$4,315,472</b>	<b>\$2,511,512</b>	<b>\$6,319,177</b>	<b>\$37,942,731</b>

\* The "Court Appointed Attorney Fees" included on this page include only those amounts collected by the Unified Judicial System. These amounts do not include payments made directly to county auditors or treasurers, city collection agents, or sums recovered by counties pursuant to a statutory lien.

**Table 7. CLERK OF COURT RECEIPTS AND DISBURSEMENTS COMPARISON**

	FY2005	FY2006	FY2007	FY2008	FY2009
<b>RECEIPTS</b>					
BONDS/UNDERTAKINGS/NO-INT TRUSTS	6,421,189	5,507,010	9,180,374	6,656,632	5,969,704
CITY FINES	1,442,944	1,317,280	1,305,177	1,218,300	1,168,420
CITY COSTS	9,508	9,982	8,861	10,412	10,770
CITY FORFEITURES	2,993	2,661	4,808	4,391	3,779
CITY PENALTIES	20,168	8,244	10,842	362	30
COUNTY FINES	18,307	19,183	24,895	13,555	8,208
COUNTY COSTS	215	140	236	816	356
COUNTY FORFEITURES	0	0	0	0	0
COUNTY PENALTIES	0	0	0	50	0
STATE FINES	8,611,223	9,574,061	9,982,519	10,119,207	9,748,551
STATE COSTS	543,786	596,646	780,569	820,345	790,899
STATE FORFEITURES	295,538	427,088	432,366	481,907	436,191
STATE PENALTIES	525,751	699,663	721,532	923,098	738,030
LIQUIDATED COSTS	3,978,879	4,045,500	4,012,434	5,101,649	5,028,560
COURT AUTOMATION FUND	3,280,477	3,607,825	3,914,775	4,233,434	4,083,342
VICTIM COMPENSATION - SURCHARGE	331,587	331,120	329,218	326,474	314,180
CASH FEES	946,784	967,883	997,501	1,071,598	1,093,137
DIVORCE FEES	137,400	129,450	135,575	132,550	138,600
LAW LIBRARY FEES	143,203	144,721	158,091	171,445	172,548
POSTAGE (SMALL CLAIMS)	179,745	188,620	199,729	211,255	221,872
PETTY OFFENSE	255,242	263,483	271,890	253,081	329,201
RESTITUTION	3,216,813	3,549,480	3,541,620	3,541,261	3,438,206
COURT APPOINTED ATTORNEY FEES *	1,624,787	1,821,346	2,021,103	2,096,533	1,986,710
NSF CHECK CHARGES	11,560	11,790	11,090	11,144	10,680
PASSPORT FEES	27,030	36,720	66,510	65,185	35,050
MARRIAGE FEES	19,660	19,580	18,820	18,040	16,960
DRUG TEST FEES	30,801	32,001	46,027	228,738	481,307
CHANGE OF VENUE	4,401	5,920	5,462	5,028	6,952
CHILD SUPPORT	3,024,363	2,340,689	1,769,147	1,309,787	989,201
CIVIL PASS THROUGH	55,946	59,692	72,003	94,965	94,986
ALIMONY	441,243	472,715	462,389	425,579	363,903
INTEREST-BEARING TRUST FUNDS	370,270	632,812	348,318	82,138	23,339
OTHER	111,414	152,385	217,811	192,992	175,178
<b>TOTAL RECEIVED</b>	<b>\$36,083,228</b>	<b>\$36,975,689</b>	<b>\$41,051,691</b>	<b>\$39,821,952</b>	<b>\$37,878,850</b>
<b>DISBURSEMENTS</b>					
BOND REFUNDS	6,129,282	5,950,752	8,194,905	6,260,106	6,019,146
REMITTED TO STATE	8,199,539	8,556,115	8,869,877	10,417,495	10,383,233
REMITTED TO CITY	962,476	873,302	867,398	805,396	772,719
REMITTED TO COUNTY	13,095,829	14,636,949	15,517,563	16,079,424	15,439,558
CHANGE OF VENUE	4,401	5,920	5,462	5,028	6,952
RESTITUTION	3,099,491	3,610,207	3,459,260	3,669,351	3,390,465
POSTAGE (SMALL CLAIMS)	179,745	188,620	199,729	211,255	221,872
CHILD SUPPORT	3,024,363	2,340,689	1,769,147	1,309,787	989,200
CIVIL PASS THROUGH	55,946	59,692	72,003	94,965	94,986
ALIMONY	441,243	472,715	462,389	425,579	363,903
INTEREST-BEARING TRUST FUNDS	414,720	545,933	33,685	485,953	98,692
OTHER	119,531	126,375	212,615	182,488	162,005
<b>TOTAL DISBURSED</b>	<b>\$35,726,566</b>	<b>\$37,367,270</b>	<b>\$39,664,032</b>	<b>\$39,946,828</b>	<b>\$37,942,731</b>

\* The "Court Appointed Attorney Fees" included on this page include only those amounts collected by the Unified Judicial System. These amounts do not include payments made directly to county auditors or treasurers, city collection agents, or sums recovered by counties pursuant to a statutory lien.

## Receipts

Chart 3, below, shows some of the types of receipts collected by clerk of court offices throughout the state.

**Court-appointed attorney fees** are defense costs initially paid by the county or city for an accused person who is unable to pay for a lawyer. When deemed feasible, the court assists in collecting these fees from a defendant by requiring repayment. In the chart below, only that portion of court-appointed attorney fees repaid by defendants is shown. The chart does not include fees paid by defendants directly to the counties.

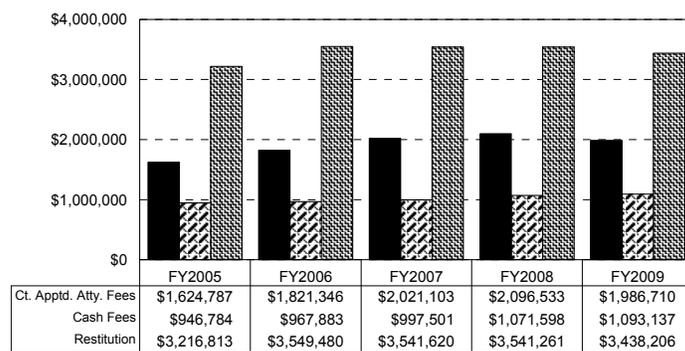
**Cash fees** is money paid by the public for services rendered by the court. Cash fees include such things as filing fees (the fee paid at the beginning of non-criminal court actions such as divorces or small claims actions), fees for providing certified transcripts of records, and fees paid for photocopying records.

**Restitution** is the amount of money which the court requires an offender to pay to the victim of their crime. The collection, accounting, and disbursement of restitution is the joint responsibility of the court services officer and the clerk of court. It is one of the ways in which the court system assists victims of crime in recovering financial losses. Restitution is ordered in addition to fines or incarceration.

In addition to direct repayment received from a defendant, a percentage of costs collected on all criminal convictions is set aside and returned to the counties to reimburse them in part for the cost of court-appointed attorneys. Apportionment of these costs is specified by SDCL 23-3-53 and is explained in some detail in the following material under “Fines and Costs.”

Chart 9 on page 29 compares total costs and repayment of court-appointed attorney expenses over the five most recent fiscal years.

**Chart 3. Selected Receipts Compared  
Court-Appointed Attorney Repayment, Cash Fees and Restitution**



## Fines and Costs

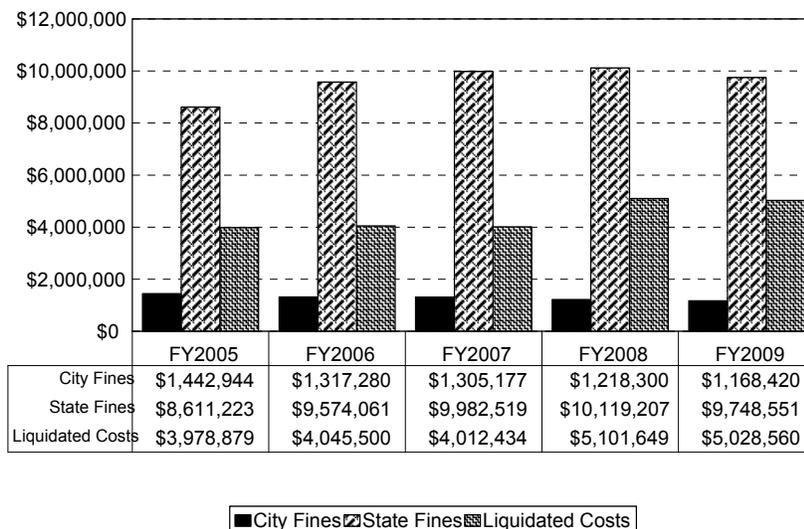
Chart 4, below, compares fines and liquidated costs collected for criminal cases over the last five years. **State fines** are fines assessed for violations of state laws and go to the school district of the county in which the violation occurred. **City fines** are fines assessed for violations of municipal ordinances and are returned to the city general fund (65%) and the state general fund (35%). **Liquidated costs** of \$40.00 are added to all fines for violations of state statutes, criminal offenses, and county or municipal traffic regulations (SDCL 23-3-52). The court occasionally waives all or part of the liquidated cost assessment if a defendant's financial hardship is evident.

Liquidated costs are split in compliance with SDCL 23-3-53. Approximately 75% is used for law enforce-

ment training (highway safety training, operating the drug enforcement unit, purchasing state law enforcement equipment, operating the state crime laboratory, training corrections personnel, prosecutors and UJS personnel) and 25% is returned to the counties on a percentage basis to assist in paying public defenders and court-appointed attorneys, funding the court-appointed special advocates fund, operating costs associated with the 911 telecommunicator training, and costs associated with the defense for abused and neglected children. Liquidated costs are distributed annually by the State Treasurer in accordance with SDCL 23-3-53 as illustrated in Table 9 on page 30.

Over the past five years city fines have seen a gradual decrease while state fines and liquidated costs have increased significantly overall since FY2005.

**Chart 4. Selected Receipts Compared  
City Fines, State Fines and Liquidated Costs**



## Child Support

Child support is one type of receipt processed by clerks of court. The clerk maintains a complete record of payments received and forwards it based on arrangements made with the recipient parent.

In the past total receipts and child support receipts have generally shown a gradual increase, however, with the transfer of payments on any new or modified child support to DSS effective October 1, 1998 the child support receipt category began showing a significant decline.

## Disbursements

Charts 5, 6 and 7 illustrate the volume of receipts disbursed by clerks of court.

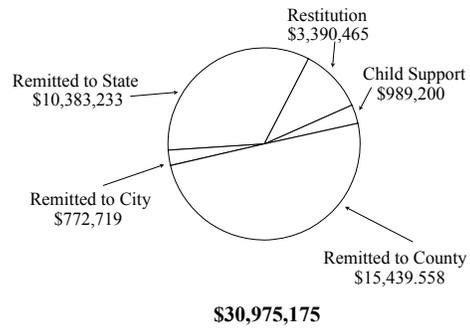
**Disbursements to cities** are primarily city fines collected by the court system. The amount remitted to the cities is 65% of the total city fines collected. The remaining 35% is remitted to the state.

**Disbursements to the state** include liquidated costs and the 35% of city fines mentioned above. The state remittance over the past four years has steadily increased.

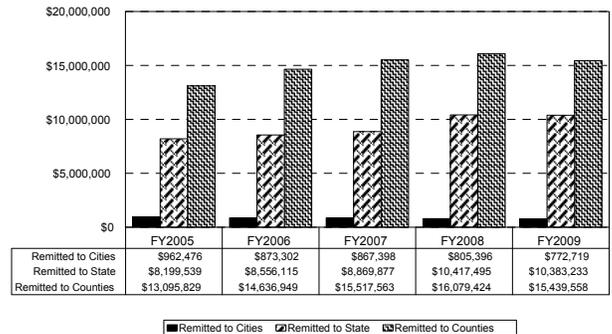
**Disbursements to counties** include state fines -- including funds returned to school districts in accordance with Article VIII, § 3, of the South Dakota

Constitution -- costs, and forfeitures, and various fees for civil filings. Both the county remittance and state remittance over the past few years have increased.

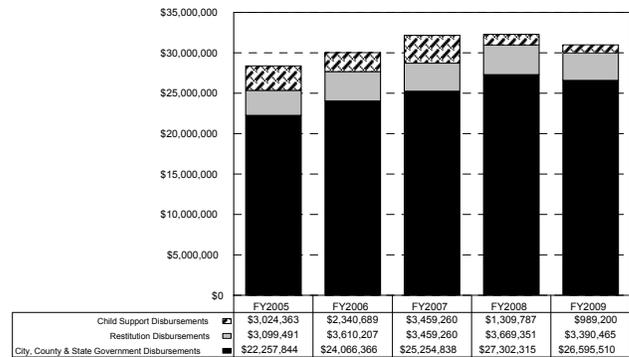
**Chart 5. FY2009 UJS Selected Disbursements**



**Chart 6. UJS Selected Disbursements Compared**



**Chart 7. UJS Selected Revenue Disbursements**





## Court-Appointed Attorney Costs

SDCL 23A-40-7 provides that the governing board of any county or municipality is responsible for providing legal counsel to anyone within their jurisdiction who is charged with a Class 1 misdemeanor or felony. If the county maintains a public defender's office, judges or magistrates will assign this office to represent indigent defendants. In counties where there is no public defender system, an attorney will be appointed.

The cost of court-appointed representation is initially borne by the county in which the charge is levied. The judge may assess attorney costs against the defendant as a part of a sentence. There is also a provision for creation of a lien against a defendant's real or personal property (SDCL 23A-40-11 and -12).

Whether represented by court-appointed counsel or by a public defender's office, and regardless of whether or not the defendant is convicted, the defendant is expected to repay the cost of the court-appointed attorney.

In addition to the costs repaid directly by the defendant, a \$6.00 fee is collected for each criminal conviction including traffic violations. This is paid into a court-appointed attorney fund established by state law. This year the fund provided an allocation to each county of approximately 10.0% of the court-appointed attorney costs incurred. This figure is shown in the second column of Table 9 on page 30.

Table 9 also shows county expenditures and defendant repayment as reported to the State Treasurer by the counties.

Chart 8 on page 29 graphically compares court-appointed attorney costs and repayment by circuit for the past fiscal year. The Minnehaha (Second Circuit) and Pennington County (Seventh Circuit) Public Defender's Offices have full-time legal staffs funded by the counties to provide for the defense of economically disadvantaged persons accused of crimes. Lawrence and Butte Counties (Fourth Circuit) also share the expense of a full-time public defender's office.

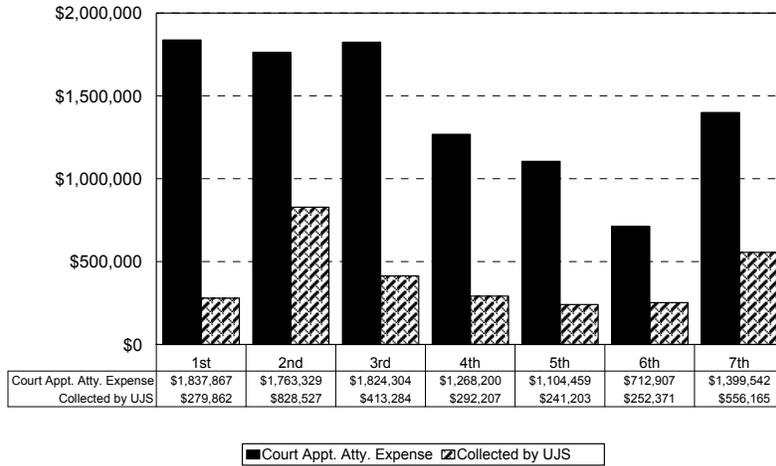
The data contained in Table 10 on page 31 shows the raw approximate average cost to each county for each court-appointed attorney case. This average does not include costs recovered by the counties either from direct payments by defendants, state reimbursements, or county lien collection efforts. When cost recovery is included in the calculation, the average payment per appointment is substantially lower. These costs were computed by dividing the total payment for the fiscal year by the total number of court-appointed attorney cases. Table 10 also shows the percentage of total Class 1 misdemeanor and felony filings which resulted in court appointment of an attorney.

Chart 8 on page 29 shows that the difference between the cost of court-appointed attorneys and the amount the UJS collects has increased over the past five years. The cost for court

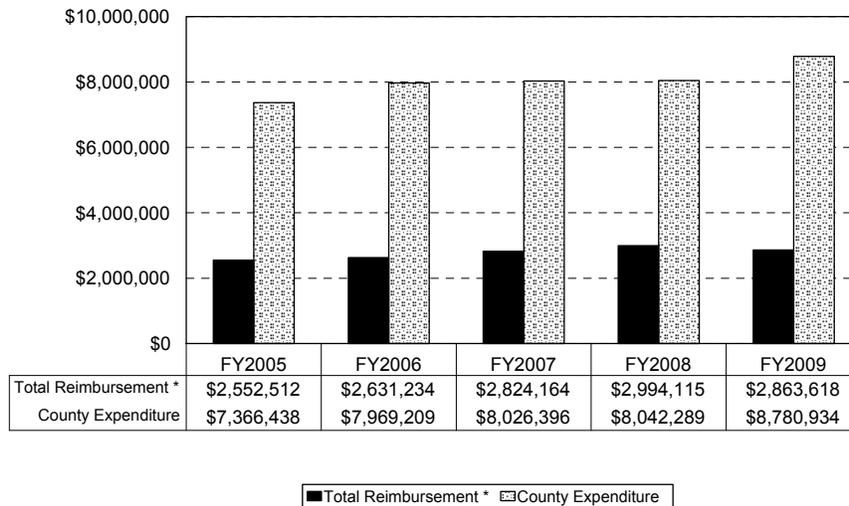
-appointed attorneys is difficult to predict from year to year because it depends on the number of arrests by law

enforcement agencies and the number of criminal prosecutions filed by the state's attorney in each county.

**Chart 8. Court-Appointed Attorney Costs Compared to Repayment by Circuit - FY2009**



**Chart 9. Court-Appointed Attorney Cost Payback by Fiscal Year**



\* Does not include other transfers made to county general funds.

**Table 9. COUNTY EXPENDITURES AND REPAYMENT  
FOR COURT-APPOINTED ATTORNEYS - FY2009**

Circuits and Counties	Total Paid By County	Allocated by Statute	Paid by Defendant *	Collected by UJS	Percent Paid
<b>1st CIRCUIT</b>					
Aurora	\$32,532	\$3,343	\$2,880	\$6,223	19.1%
Bon Homme	\$12,219	\$1,079	\$4,838	\$5,917	48.4%
Brule-Buffalo	\$65,582	\$6,541	\$10,182	\$16,722	25.5%
Charles Mix	\$149,900	\$13,598	\$37,151	\$50,749	33.9%
Clay	\$73,288	\$6,577	\$12,730	\$19,308	26.3%
Davison	\$289,500	\$27,034	\$1,458	\$28,492	9.8%
Douglas	\$19,540	\$1,671	\$5,747	\$7,418	38.0%
Hanson	\$27,750	\$2,819	\$3,281	\$6,100	22.0%
Hutchinson	\$45,602	\$4,100	\$13,828	\$17,927	39.3%
McCook	\$51,476	\$5,577	\$13,841	\$19,417	37.7%
Turner	\$81,148	\$7,946	\$431	\$8,377	10.3%
Union	\$166,109	\$14,445	\$25,113	\$39,557	23.8%
Yankton	\$150,177	\$16,616	\$37,038	\$53,654	35.7%
<b>TOTAL</b>	<b>\$1,164,822</b>	<b>\$111,346</b>	<b>\$168,517</b>	<b>\$279,862</b>	<b>24.0%</b>
<b>2nd CIRCUIT</b>					
Lincoln	\$318,665	\$31,335	\$70,276	\$101,610	31.9%
Minnehaha	\$2,625,060	\$260,667	\$466,250	\$726,917	27.7%
<b>TOTAL</b>	<b>\$2,943,725</b>	<b>\$292,002</b>	<b>\$536,526</b>	<b>\$828,527</b>	<b>28.1%</b>
<b>3rd CIRCUIT</b>					
Beadle	\$130,100	\$15,824	\$59,084	\$74,908	57.6%
Brookings	\$206,790	\$19,659	\$92,073	\$111,732	54.0%
Clark	\$19,496	\$1,667	\$3,163	\$4,830	24.8%
Codington	\$234,152	\$20,112	\$67,397	\$87,509	37.4%
Deuel	\$16,115	\$2,133	\$8,048	\$10,180	63.2%
Grant	\$43,374	\$3,753	\$10,759	\$14,512	33.5%
Hamlin	\$5,033	\$430	\$6,740	\$7,170	142.5%
Hand	\$21,762	\$1,861	\$1,479	\$3,340	15.3%
Jerauld	\$19,004	\$1,827	\$3,709	\$5,536	29.1%
Kingsbury	\$15,356	\$1,522	\$5,690	\$7,212	47.0%
Lake	\$104,042	\$9,631	\$20,689	\$30,320	29.1%
Miner	\$23,232	\$2,997	\$1,631	\$4,627	19.9%
Moody	\$90,249	\$8,139	\$29,881	\$38,019	42.1%
Sanborn	\$36,940	\$7,794	\$5,592	\$13,386	36.2%
<b>TOTAL</b>	<b>\$965,645</b>	<b>\$97,349</b>	<b>\$315,935</b>	<b>\$413,284</b>	<b>42.8%</b>
<b>4th CIRCUIT</b>					
Butte	\$157,932	\$15,795	\$33,356	\$49,151	31.1%
Corson	\$9,159	\$1,078	\$5,279	\$6,357	69.4%
Dewey	\$1,283	\$110	\$2,123	\$2,233	174.0%
Harding	\$1,819	\$258	\$1,203	\$1,461	80.3%
Lawrence	\$199,249	\$31,098	\$93,736	\$124,834	62.7%
Meade	\$184,269	\$17,176	\$79,851	\$97,027	52.7%
Perkins	\$10,900	\$932	\$9,646	\$10,578	97.0%
Ziebach	\$2,014	\$172	\$394	\$566	28.1%
<b>TOTAL</b>	<b>\$566,625</b>	<b>\$66,619</b>	<b>\$225,588</b>	<b>\$292,207</b>	<b>51.6%</b>
<b>5th CIRCUIT</b>					
Brown	\$209,048	\$21,855	\$97,109	\$118,964	56.9%
Campbell	\$20,419	\$1,746	\$2,555	\$4,302	21.1%
Day	\$48,304	\$4,131	\$12,878	\$17,009	35.2%
Edmunds	\$9,594	\$1,476	\$5,865	\$7,341	76.5%
Faulk	\$3,057	\$261	\$912	\$1,173	38.4%
Marshall	\$17,225	\$1,473	\$10,983	\$12,456	72.3%
McPherson	\$2,000	\$171	\$497	\$668	33.4%
Roberts	\$125,879	\$10,765	\$35,744	\$46,509	36.9%
Spink	\$26,888	\$3,058	\$10,826	\$13,884	51.6%
Walworth	\$25,536	\$3,982	\$14,916	\$18,899	74.0%
<b>TOTAL</b>	<b>\$487,950</b>	<b>\$48,919</b>	<b>\$192,284</b>	<b>\$241,203</b>	<b>49.4%</b>
<b>6th CIRCUIT</b>					
Bennett	\$66,435	\$9,423	\$13,626	\$23,049	34.7%
Gregory	\$23,449	\$2,719	\$8,249	\$10,968	46.8%
Haakon	\$3,930	\$336	\$2,099	\$2,435	62.0%
Hughes	\$248,728	\$21,846	\$52,863	\$74,709	30.0%
Hyde	\$158,141	\$13,524	\$2,072	\$15,597	9.9%
Jackson	\$22,198	\$2,120	\$3,872	\$5,992	27.0%
Jones	\$4,213	\$1,303	\$4,082	\$5,385	127.8%
Lyman	\$52,747	\$4,694	\$26,379	\$31,073	58.9%
Mellette	\$17,585	\$3,889	\$14,159	\$18,049	102.6%
Potter	\$9,343	\$799	\$2,386	\$3,185	34.1%
Stanley	\$61,700	\$5,345	\$18,124	\$23,470	38.0%
Sully	\$10,769	\$921	\$3,726	\$4,647	43.2%
Todd/Tripp	\$79,911	\$7,804	\$26,009	\$33,812	42.3%
<b>TOTAL</b>	<b>\$759,149</b>	<b>\$74,723</b>	<b>\$177,647</b>	<b>\$252,371</b>	<b>33.2%</b>
<b>7th CIRCUIT</b>					
Custer	\$47,652	\$5,962	\$22,583	\$28,546	59.9%
Fall River/Shannon	\$139,805	\$11,967	\$53,785	\$65,752	47.0%
Pennington	\$1,705,562	\$168,023	\$293,844	\$461,867	27.1%
<b>TOTAL</b>	<b>\$1,893,019</b>	<b>\$185,952</b>	<b>\$370,213</b>	<b>\$556,165</b>	<b>29.4%</b>

STATE	Total Paid By County	Allocated by Statute	Paid by Defendant *	Collected by UJS	Percent Paid
<b>TOTALS</b>	<b>\$8,780,934</b>	<b>\$876,908</b>	<b>\$1,986,710</b>	<b>\$2,863,618</b>	<b>32.6%</b>

\* The "Paid by Defendant" sum included on this page includes only those amounts collected by the Unified Judicial System and remitted to counties. These amounts do not include payments made directly to county auditors or treasurers, city collection agents, or sums recovered by counties pursuant to a statutory lien. Hence, the figures do not include all county cost recovery.

**Table 10. COURT-APPOINTED CASES AND COSTS - FY2009**

Circuits and Counties	Total Paid By County	Appointments	Misd. 1 & Felony Dispos'n	Avg. Pmt. Per Appt.	Appts. as % of Dispos'n
<b>1st CIRCUIT</b>					
Aurora	\$32,532	9	33	\$3,615	27.3%
Bon Homme	\$12,219	15	72	\$815	20.8%
Brule-Buffalo	\$65,582	112	225	\$586	49.8%
Charles Mix	\$149,900	289	450	\$519	64.2%
Clay	\$73,288	78	384	\$940	20.3%
Davison	\$289,500	397	866	\$729	45.8%
Douglas	\$19,540	18	36	\$1,086	50.0%
Hanson	\$27,750	5	42	\$5,550	11.9%
Hutchinson	\$45,602	12	63	\$3,800	19.0%
McCook	\$51,476	37	80	\$1,391	46.3%
Turner	\$81,148	39	118	\$2,081	33.1%
Union	\$166,109	92	433	\$1,806	21.2%
Yankton	\$150,177	252	747	\$596	33.7%
<b>TOTAL</b>	<b>\$1,164,822</b>	<b>1,355</b>	<b>3,549</b>	<b>\$860</b>	<b>38.2%</b>
<b>2nd CIRCUIT</b>					
Lincoln	\$318,665	312	786	\$1,021	39.7%
Minnehaha	\$2,625,060	4,187	7,218	\$627	58.0%
<b>TOTAL</b>	<b>\$2,943,725</b>	<b>4,499</b>	<b>8,004</b>	<b>\$1,648</b>	<b>56.2%</b>
<b>3rd CIRCUIT</b>					
Beadle	\$130,100	244	506	\$533	48.2%
Brookings	\$206,790	197	768	\$1,050	25.7%
Clark	\$19,496	9	38	\$0	23.7%
Codington	\$234,152	314	965	\$746	32.5%
Deuel	\$16,115	20	78	\$806	25.6%
Grant	\$43,374	39	91	\$1,112	42.9%
Hamlin	\$5,033	32	76	\$157	42.1%
Hand	\$21,762	5	42	\$0	11.9%
Jerauld	\$19,004	9	26	\$2,112	34.6%
Kingsbury	\$15,356	15	55	\$1,024	27.3%
Lake	\$104,042	98	313	\$1,062	31.3%
Miner	\$23,232	15	36	\$1,549	41.7%
Moody	\$90,249	94	229	\$960	41.0%
Sanborn	\$36,940	6	24	\$6,157	25.0%
<b>TOTAL</b>	<b>\$965,645</b>	<b>1,097</b>	<b>3,247</b>	<b>\$880</b>	<b>33.8%</b>
<b>4th CIRCUIT</b>					
Butte	\$157,932	104	223	\$1,519	46.6%
Corson	\$9,159	2	20	\$4,580	10.0%
Dewey	\$1,283	6	17	\$214	35.3%
Harding	\$1,819	0	7	\$0	0.0%
Lawrence	\$199,249	352	1,143	\$566	30.8%
Meade	\$184,269	242	976	\$761	24.8%
Perkins	\$10,900	15	50	\$727	30.0%
Ziebach	\$2,014	0	7	\$0	0.0%
<b>TOTAL</b>	<b>\$566,625</b>	<b>721</b>	<b>2,443</b>	<b>\$786</b>	<b>29.5%</b>
<b>5th CIRCUIT</b>					
Brown	\$209,048	325	1,295	\$643	25.1%
Campbell	\$20,419	13	34	\$1,571	38.2%
Day	\$48,304	67	160	\$721	41.9%
Edmunds	\$9,594	17	74	\$564	23.0%
Faulk	\$3,057	27	84	\$113	32.1%
Marshall	\$17,225	7	22	\$2,461	31.8%
McPherson	\$2,000	199	592	\$10	33.6%
Roberts	\$125,879	63	207	\$1,998	30.4%
Spink	\$26,888	7	21	\$3,841	33.3%
Walworth	\$25,536	27	146	\$946	18.5%
<b>TOTAL</b>	<b>\$487,950</b>	<b>752</b>	<b>2,635</b>	<b>\$649</b>	<b>28.5%</b>
<b>6th CIRCUIT</b>					
Bennett	\$66,435	93	155	\$714	60.0%
Gregory	\$23,449	27	59	\$868	45.8%
Haakon	\$3,930	1	11	\$3,930	9.1%
Hughes	\$248,728	343	629	\$725	54.5%
Hyde	\$158,141	6	18	\$26,357	33.3%
Jackson	\$22,198	35	61	\$634	57.4%
Jones	\$4,213	5	15	\$843	4.4%
Lyman	\$52,747	57	113	\$925	100.0%
Mellette	\$17,585	28	57	\$628	73.7%
Potter	\$9,343	23	38	\$406	19.5%
Stanley	\$61,700	38	118	\$1,624	135.7%
Sully	\$10,769	8	28	\$1,346	5.5%
Todd/Tripp	\$79,911	83	146	\$963	56.8%
<b>TOTAL</b>	<b>\$759,149</b>	<b>747</b>	<b>1,448</b>	<b>\$1,016</b>	<b>51.6%</b>
<b>7th CIRCUIT</b>					
Custer	\$47,652	20	211	\$2,383	9.5%
Fall River/Shannon	\$139,805	74	241	\$1,889	30.7%
Pennington	\$1,705,562	2,790	5,557	\$611	50.2%
<b>TOTAL</b>	<b>\$1,893,019</b>	<b>2,884</b>	<b>6,009</b>	<b>\$656</b>	<b>48.0%</b>

	Total Paid By County	Appointments	Misd. 1 & Felony Dispos'n	Avg. Pmt. Per Appt. *	Appts. as % of Dispos'n
<b>STATE TOTALS</b>	<b>\$8,780,934</b>	<b>12,055</b>	<b>27,335</b>	<b>\$728</b>	<b>44.1%</b>

\* Does not include county reimbursements which substantially lowers the average payment per appointment to \$491 per case. (\$8,780,934-\$2,863,618 = \$5,917,316/12,055 = \$491)

## Travel by Circuit Personnel

According to SDCL 16-2-21(10), the presiding judge shall arrange, so that in each county of that circuit, there shall be available a circuit judge to hold court in the county seat of each county on at least two days each month if there are matters that

warrant the presence of a judge. Circuit and magistrate judges' mileage is listed in Table 11 and court services officers' mileage is listed in Table 12. Circuit mileage comparisons are illustrated in Chart 10 on page 33.

**Table 11. FY2009 MILEAGE BY JUDICIAL PERSONNEL**

Judge or Magistrate	Mileage	Judge or Magistrate	Mileage	Judge or Magistrate	Mileage
<u>First Circuit:</u>		<u>Third Circuit</u>		<u>Sixth Circuit:</u>	
Anderson, B.	5,763	Erickson	4,078	Anderson	1,877
Anderson, J.*	478	Foley	10,020	Barnett	9,026
Bern	3,897	Gienapp	7,727	Brown	11,975
Bjorkman	5,278	Pierce	8,281	Smith	14,892
Dobberpuhl*	3,164	Roehr	5,755	Trandahl	7,504
Eng	4,478	Timm	3,548	Wilbur	961
Jensen	3,748	Tucker	7,557	<b>TOTAL</b>	<b>46,235</b>
Kiner	13,116	<b>TOTAL</b>	<b>46,966</b>		
O'Brien	2,874	<u>Fourth Circuit:</u>		<u>Seventh Circuit:</u>	
Rusch	6,116	Bastian	3,891	Davis	2,385
<b>TOTAL</b>	<b>48,912</b>	Eckrich	3,528	Kern	1,902
		Johnson	4,028	Marshall	450
<u>Second Circuit:</u>		Macy	3,923	Pahlke	990
Dietrich	774	Percy	4,123	Severns	2,730
Hinrichs	600	<b>TOTAL</b>	<b>19,493</b>	Tice	1,410
Hoffman	8,850	<u>Fifth Circuit:</u>		Trimble	630
Irvine	50	Anderson, M.	7,447	<b>TOTAL</b>	<b>10,497</b>
Irvin	900	Flemmer	11,556		
Riepel	900	Myren	12,425		
Sage	1,050	Portra	5,339		
<b>TOTAL</b>	<b>12,224</b>	Von Wald	10,645		
		<b>TOTAL</b>	<b>47,412</b>	<b>STATE TOTAL</b>	<b>231,739</b>
* Outside Circuit Judge					

**Table 12. FY2009 MILEAGE BY COURT SERVICES PERSONNEL  
FOR OFFICIAL FUNCTIONS**

Officer	Mileage	Officer	Mileage	Officer	Mileage
<b>First Circuit:</b>		<b>Third Circuit:</b>		<b>Sixth Circuit:</b>	
Barnett	3,288	Butler	2,985	Brozik	6,195
Berndt	3,848	DeJong	4,661	Connot	15,499
Cokens	400	Langerock	7,662	Dailey	10,210
Dringman	776	Nihart	3,000	Huebner	2,227
Foltz	1,170	Ramlo	5,260	Penrod	7,546
Freeman	8,555	Ramynke	1,580	Petersen	7,437
Friberg	2,568	Schneider	5,237	Spomer	7,862
Gregg	9,833	Tappe	3,161	<b>TOTAL</b>	<b>56,976</b>
Gropper	1,475	Torgrude	3,470	<b>Seventh Circuit:</b>	
Hofer	10,848	Weelborg	4,157	Baloun	71
Max	1,850	<b>TOTAL</b>	<b>41,173</b>	Battista	188
Moore	3,548	<b>Fourth Circuit:</b>		Collignon	3,108
Nelsen	2,980	Bickerdyke	1,838	Drew	560
Pepper	21,082	Coacher	10,285	Geiman	245
Priebe	9,816	Haught	323	Heinle	170
Rempfer	10,300	Gordon	2,167	Keiffer	68
Sudbeck	1,200	Long	1,079	Mann	2,451
<b>TOTAL</b>	<b>90,249</b>	Pankratz	521	McMeekin	431
<b>Second Circuit:</b>		McNabb	1,414	Miller	104
Ahrendt	2,090	<b>TOTAL</b>	<b>17,627</b>	Mitchell	42
Aman	10,170	<b>Fifth Circuit:</b>		Poitra	665
Berthelson	2,478	Archer	4,680	Robb	137
Clark	4,722	Erhardt	8,211	Stephens	984
Gravett	3,601	Hansen	4,628	<b>TOTAL</b>	<b>9,224</b>
Hall	3,152	Hansen	4,628	<b>STATE TOTAL</b>	
Harriman	3,759	Krueger	5,749		<b>384,345</b>
Heitkamp	3,897	Ingemansen	6,052		
Hoffmann	10,384	Rau	2,057		
Jacobs	7,212	Rice	4,469		
Jal	5,725	Simons	12,574		
Kary	402	Hare	6,503		
Lillestol	11,989	Waldrop	4,300		
Louwagie	754	<b>TOTAL</b>	<b>59,223</b>		
Neuhardt	4,512				
Rockafellow	3,143				
Simon	494				
Smith	13,451				
Stokka	1,087				
Trove	1,857				
Tveidt	284				
Vonsik	1,918				
Weber	3,281				
Willis	9,511				
<b>TOTAL</b>	<b>109,873</b>				

**Chart 10. FY2009 Mileage Comparison by Circuit**

