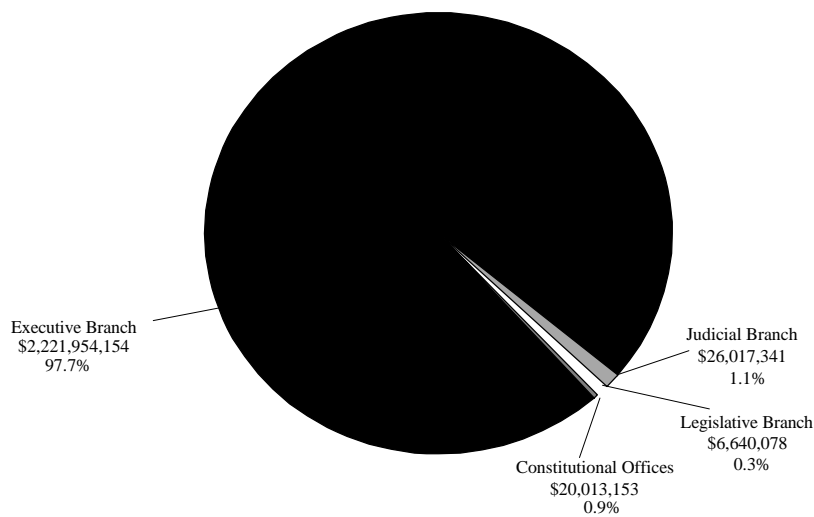


Table 5. STATE BUDGET - FY2001

BRANCH OF GOVERNMENT	BUDGETED FTE	PERCENT OF TOTAL	AMOUNT (MILLIONS)	PERCENT OF TOTAL
EXECUTIVE BRANCH DEPARTMENTS:				
Education and Board of Regents	4,871.6	37.6%	\$751,577,987	33.0%
Human Services	1,225.4	9.5%	\$153,455,840	6.7%
Transportation	1,077.7	8.3%	\$400,540,778	17.6%
Health and Social Services	1,239.5	9.6%	\$494,812,746	21.8%
Corrections	872.9	6.7%	\$58,699,419	2.6%
Commerce and Regulation	519.7	4.0%	\$50,349,093	2.2%
Executive Management	722.6	5.6%	\$140,032,177	6.2%
Game, Fish and Parks	512.1	4.0%	\$45,228,047	2.0%
Labor	397.2	3.1%	\$32,309,416	1.4%
All Other Executive Branch Employees	805.2	6.2%	\$94,948,651	4.2%
EXECUTIVE BRANCH TOTAL	12,243.9	94.5%	\$2,221,954,154	97.7%
CONSTITUTIONAL OFFICES	195.6	1.5%	\$20,013,153	0.9%
LEGISLATIVE BRANCH	73.2	0.5%	\$6,640,078	0.3%
JUDICIAL BRANCH	450.6	3.5%	\$26,017,341	1.1%
TOTALS	12,963.3	100.0%	\$2,274,624,726	100.0%

**Chart 2. South Dakota State Budget
FY2001**



FINANCING THE JUDICIAL SYSTEM

Each year the judicial system collects millions of dollars in fines, bond forfeitures, fees, and costs; however, because of obvious ethical questions that would arise if court judgments produced court income, this money is not used to finance the judicial system (Table 7 on page 22). All money collected by the judiciary, except as indicated on page 25, is disbursed to other public entities such as school districts, municipalities, counties, and the state general fund.

Because the state judicial system generates very little of its own funding, it must be financed by money from other sources, primarily the state general fund. As illustrated in the budget allocation data at left, the judiciary's share of the state's budgetary pie is very small in comparison to the rest of state government.

The state is responsible for funding the operations of the Supreme Court, the State Court Administrator's Office, circuit courts, clerks of court, court services programs, judicial training and Community Based Services. State funding provides for salaries and benefits for the employees in these operations. This year's personal services costs were \$19.7 million for the system's full and part-time employees. The state also funded operating costs of \$5.6 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 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 manages the fiscal operations of the Unified Judicial System through the Office of Budget and Finance which assists the Supreme Court in preparing and submitting the annual budget, administer the annual operating budget, and manage a uniform accounting system for the receipt and disbursement of all funds handled by

A \$50 portion of the \$100 admission fee. The other \$50 portion is paid to the state bar.

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 \$25.00 surcharge assessed for all criminal convictions. Seventeen dollars is deposited into the law enforcement officers training fund, three dollars into the court appointed attorney and public defender payment fund, 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.

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 Fee: Fee charged to probationers to cover the cost of drug testing 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 - FY2001

RECEIPTS	FIRST CIRCUIT	SECOND CIRCUIT	THIRD CIRCUIT	FOURTH CIRCUIT	FIFTH CIRCUIT	SIXTH CIRCUIT	SEVENTH CIRCUIT	STATE TOTAL
BONDS/UNDERTAKINGS/NO-INT TRUS	616,273	1,126,728	526,839	634,484	344,031	370,275	992,857	4,611,487
CITY FINES	151,227	758,680	238,604	35,144	116,054	26,148	178,799	1,504,656
CITY COSTS	1,517	4,070	418	265	70	10	3,527	9,877
CITY FORFEITURES	0	2,944	950	0	0	0	0	3,894
COUNTY FINES/COSTS/FORFEITURES	17,379	802	1,550	1,984	235	2,923	295	25,168
STATE FINES	2,124,620	1,827,621	1,615,125	1,354,212	1,117,924	895,483	1,344,542	10,279,526
STATE COSTS	94,271	26,550	84,823	85,032	30,394	52,057	73,065	446,191
STATE FORFEITURES	40,944	95,001	27,171	43,457	2,429	13,963	6,070	229,036
LIQUIDATED COSTS	630,866	922,892	570,572	299,663	372,033	255,963	561,383	3,613,373
COURT AUTOMATION FUND	339,187	415,197	631,018	149,058	236,962	156,953	264,474	2,192,848
VICTIM COMPENSATION - SURCHARGE	63,740	91,395	57,570	29,436	36,873	25,993	56,569	361,576
CASH FEES	163,570	245,611	148,464	67,781	102,728	57,223	151,857	937,234
DIVORCE FEES	18,950	35,550	22,800	14,900	11,350	8,500	29,340	141,390
LAW LIBRARY FEES	25,053	41,349	24,726	10,464	15,142	8,506	24,591	149,831
POSTAGE (SMALL CLAIMS)	23,405	29,458	21,928	8,982	11,419	6,205	26,142	127,538
PETTY OFFENSE	25,122	78,905	42,757	19,551	17,242	20,337	20,751	224,664
RESTITUTION	488,198	510,012	380,540	286,332	397,334	252,909	496,097	2,811,422
COURT APPOINTED ATTORNEY FEES *	111,582	240,096	225,499	135,527	129,064	123,581	208,674	1,174,022
NSF CHECK CHARGES	1,900	1,930	1,700	650	470	520	1,800	8,970
PASSPORT FEES	3,150	495	2,595	900	3,105	1,455	0	11,700
MARRIAGE FEES	11,040	20	5,100	520	3,200	2,320	900	23,100
DRUG TEST FEES	2,013	5,870	2,890	3,642	1,238	2,191	14,350	32,194
CHANGE OF VENUE	1,044	1,145	965	906	355	480	910	5,805
CHILD SUPPORT	1,289,343	1,461,565	1,514,592	756,794	724,395	470,317	1,361,695	7,578,700
CIVIL PASS THROUGH	4,600	1,400	24,057	14,648	3,804	20,421	10,969	79,898
ALIMONY	91,958	11,623	91,543	24,345	49,461	65,878	156,762	491,570
INTEREST-BEARING TRUST FUNDS	18,604	16,692	0	0	261,839	0	26	297,161
OTHER	9,038	4,208	37,530	8,988	16,852	1,478	9,166	87,260
TOTAL RECEIVED	\$6,368,593	\$7,957,807	\$6,302,326	\$3,987,663	\$4,006,003	\$2,842,086	\$5,995,611	\$37,460,089
DISBURSEMENTS								
BOND REFUNDS	585,974	1,012,654	479,648	558,286	386,964	338,983	864,584	4,227,093
REMITTED TO STATE	1,110,812	1,704,640	1,355,805	496,172	694,583	455,490	962,159	6,779,661
REMITTED TO CITY	99,814	499,125	156,128	23,109	75,505	17,006	119,746	990,433
REMITTED TO COUNTY	2,615,504	2,591,211	2,192,400	1,732,904	1,426,426	1,181,628	1,859,080	13,599,154
CHANGE OF VENUE	1,044	1,145	965	906	355	480	910	5,805
RESTITUTION	493,038	487,722	387,943	274,656	395,009	246,843	470,190	2,755,402
POSTAGE (SMALL CLAIMS)	23,405	29,458	21,928	8,982	11,419	6,205	26,142	127,538
CHILD SUPPORT	1,289,343	1,461,565	1,514,592	756,794	724,395	470,317	1,361,695	7,578,700
CIVIL PASS THROUGH	4,600	1,400	24,057	14,648	3,804	20,421	10,969	79,898
ALIMONY	91,958	11,623	91,543	24,345	49,461	65,878	156,762	491,570
INTEREST-BEARING TRUST FUNDS	18,093	48,098	0	0	0	0	210	66,401
OTHER	8,558	4,135	37,112	8,968	16,985	1,452	7,295	84,503
TOTAL DISBURSED	\$6,342,143	\$7,852,776	\$6,262,121	\$3,899,768	\$3,784,905	\$2,804,702	\$5,839,743	\$36,786,158

* 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

	FY1997	FY1998	FY1999	FY2000	FY2001
RECEIPTS					
POSTED BONDS	3,104,359	3,379,804	4,516,974	4,187,792	4,611,487
CITY FINES	1,258,478	1,426,470	1,384,490	1,537,711	1,504,656
CITY COSTS	14,512	14,503	12,299	11,811	9,877
CITY FORFEITURES	2,236	3,765	3,591	2,292	3,894
COUNTY FINES/COSTS/FORFEITURES	2,882	2,053	4,549	8,418	25,168
STATE FINES	7,554,698	8,698,981	9,406,456	10,638,773	10,279,526
STATE COSTS	393,759	416,451	456,517	444,921	446,191
STATE FORFEITURES	172,949	206,905	221,105	206,506	229,036
LIQUIDATED COSTS	2,177,116	2,535,812	2,995,049	3,236,207	3,613,373
CT AUTOMATION - SRCHG / FAX / SEARCH / ATI	719,603	955,287	1,053,776	1,935,212	2,192,848
VICTIM COMPENSATION - SURCHARGE	283,480	329,575	340,860	362,135	361,576
CASH FEES	935,593	872,979	880,185	869,913	937,234
DIVORCE FEES	147,050	141,418	143,565	149,737	141,390
LAW LIBRARY FEES	138,990	135,856	138,150	136,938	149,831
POSTAGE (SMALL CLAIMS)	99,387	101,760	115,035	112,038	127,538
PETTY OFFENSE	97,293	124,793	146,579	176,680	224,664
RESTITUTION	2,662,904	2,792,124	2,654,166	3,077,051	2,811,422
COURT APPOINTED ATTORNEY FEES *	826,436	947,065	1,017,749	1,148,993	1,174,022
NSF CHECK CHARGES	5,661	6,430	7,410	7,240	8,970
PASSPORT FEES	7,790	9,425	13,670	12,735	11,700
MARRIAGE FEES	32,095	26,240	24,480	23,100	23,100
DRUG TEST FEES	0	18,655	18,574	32,099	32,194
CHANGE OF VENUE	7,452	7,195	8,084	7,686	5,805
CHILD SUPPORT	16,307,064	16,256,991	13,581,245	9,922,726	7,578,700
CIVIL PASS THROUGH	134,940	142,760	96,647	89,887	79,898
ALIMONY	292,590	400,123	473,191	510,468	491,570
INTEREST-BEARING TRUST FUND	1,598,695	1,343,735	403,512	135,083	297,161
OTHER	72,820	71,836	57,062	54,648	87,260
TOTAL RECEIVED	\$39,050,832	\$41,368,991	\$40,183,454	\$39,038,800	\$37,460,089
DISBURSEMENTS					
BOND REFUNDS	3,032,327	3,066,064	3,855,265	3,916,234	4,227,093
REMITTED TO STATE	3,667,934	4,382,549	4,941,155	6,150,422	6,779,661
REMITTED TO CITY	833,982	944,150	914,550	1,012,812	990,433
REMITTED TO COUNTY	10,268,705	11,545,962	12,413,248	13,778,186	13,599,154
CHANGE OF VENUE	7,430	7,195	8,085	7,686	5,805
RESTITUTION	2,664,753	2,719,548	2,665,197	3,072,572	2,755,402
POSTAGE (SMALL CLAIMS)	99,320	101,829	115,035	112,038	127,538
CHILD SUPPORT **	16,307,124	16,256,991	13,581,245	9,922,726	7,578,700
CIVIL PASS THROUGH	134,940	142,760	96,646	89,887	79,898
ALIMONY	292,590	400,123	473,191	510,468	491,570
INTEREST-BEARING TRUST FUND	1,549,804	1,105,543	1,533,600	80,561	66,401
OTHER	72,456	70,131	56,190	52,394	84,503
TOTAL DISBURSED	\$38,931,365	\$40,742,845	\$40,661,891	\$38,705,986	\$36,786,158

* 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.

** Reduction in child support collection reflect statutory changes shifting collection responsibilities to Department of Social Services effective October 1, 1998.

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.

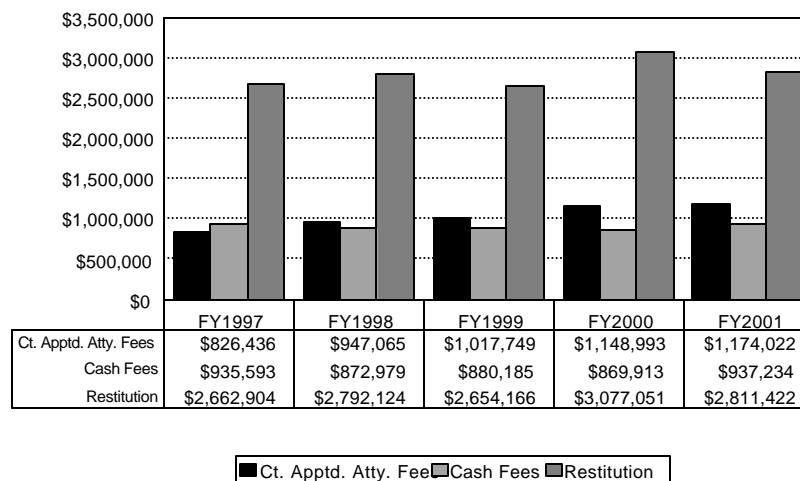
Cash fees is money paid by the public for services rendered by the court. Cash fees include such things as filing fees (the fee paid at the beginning of noncriminal court actions such as divorces or small claims actions), fees for providing certified transcripts of records, and fees paid for photocopying 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 28 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

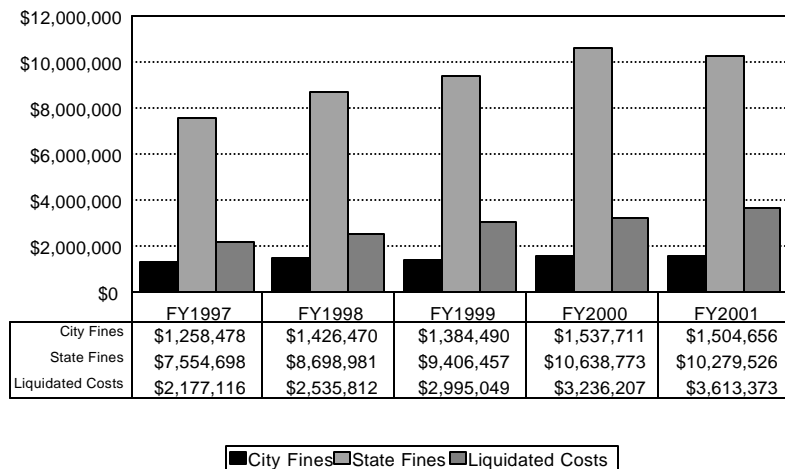
Chart 4, below, compares fines and liquidated costs collected for criminal cases over the last five years. **State fines** are fines assessed for violations of state laws and go to the school district of the county in which the violation occurred. **City fines** are fines assessed for violations of municipal ordinances and are returned to the city general fund (65%) and the state general fund (35%). **Liquidated costs** of \$25.00 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 77% is used for law enforcement training (highway safety training, op-

erating the drug enforcement unit, purchasing state law enforcement equipment, operating the state crime laboratory, training corrections personnel, prosecutors and UJS personnel) and 23% is returned to the counties on a percentage basis to assist in paying public defenders and court-appointed attorneys, 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 29.

During the past five years city fines have remained constant or shown a slight increase, state fines have continued to show an increase each year until FY2001 when there was a small decline, and liquidated costs show a continual growth each year.

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



Child Support

Chart 5 compares total receipts to child support receipts. Child support receipts are the largest single type of receipt processed by clerks of court. The clerk maintains a complete record of payments received and either holds the money or 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

Chart 6 illustrates the volume of receipts disbursed by clerks of court to the state and its political subdivisions.

Disbursements to cities are primarily city fines collected by the court system. Disbursements have increased significantly over the five-year period shown. 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 five years has also increased significantly.

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. A steady increase has occurred each year for the period illustrated.

Chart 5. FY2001 UJS Selected Disbursements

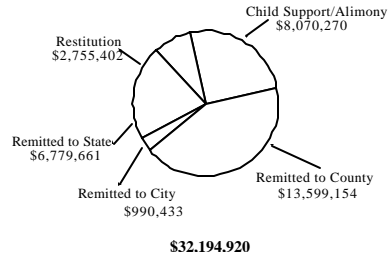


Chart 6. UJS Selected Disbursements Compared

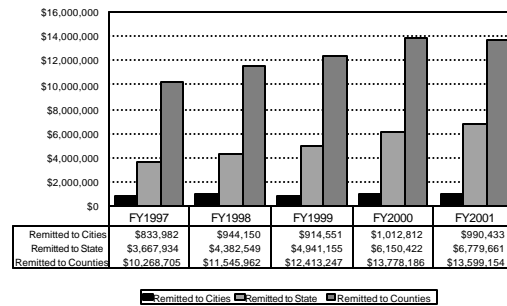


Chart 7. UJS Selected Revenue Disbursements

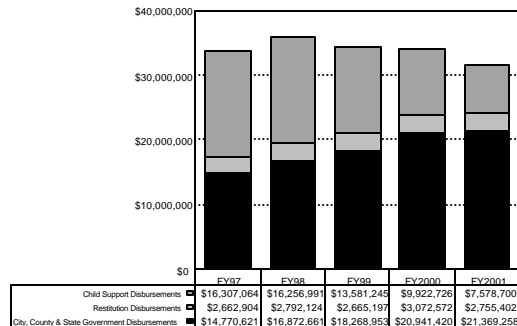


Table 8. COMPARISON OF STATE FINE RECEIPTS BY COUNTY AND CIRCUIT

COUNTRIES:					COUNTRIES:				
	FY1999	FY2000	FY2001	% Change FY99/FY2001		FY1999	FY2000	FY2001	% Change FY99/FY2001
1st CIRCUIT					4th CIRCUIT				
Aurora	\$52,069	\$48,868	\$44,918	-13.7%	Butte	\$66,265	\$74,919	\$86,859	31.1%
Bon Homme	\$66,596	\$72,872	\$51,831	-22.2%	Corson	\$17,824	\$16,628	\$15,429	-13.4%
Brule	\$117,250	\$115,327	\$99,566	-15.1%	Dewey	\$17,642	\$11,249	\$7,754	-56.0%
Charles Mix	\$92,467	\$74,965	\$125,055	35.2%	Harding	\$14,021	\$12,529	\$23,290	66.1%
Clay	\$199,275	\$219,044	\$224,379	12.6%	Lawrence	\$430,185	\$553,841	\$548,711	27.6%
Davison	\$263,576	\$344,762	\$287,253	9.0%	Meade	\$554,459	\$597,798	\$629,132	13.5%
Douglas	\$24,933	\$31,516	\$25,071	0.6%	Perkins	\$39,344	\$34,242	\$30,673	-22.0%
Hanson	\$42,228	\$41,760	\$44,565	5.5%	Ziebach	\$13,070	\$11,019	\$12,363	-5.4%
Hutchinson	\$54,915	\$57,919	\$64,232	17.0%	TOTAL	\$1,152,810	\$1,312,225	\$1,354,212	17.5%
McCook	\$50,460	\$52,176	\$43,029	-14.7%	5th CIRCUIT				
Turner	\$54,938	\$54,579	\$47,980	-12.7%	Brown	\$346,161	\$363,788	\$376,966	8.9%
Union	\$472,427	\$619,376	\$654,513	38.5%	Campbell	\$16,385	\$32,040	\$12,525	-23.6%
Yankton	\$393,155	\$446,320	\$412,228	4.9%	Day	\$87,591	\$102,895	\$71,560	-18.3%
TOTAL	\$1,884,289	\$2,179,484	\$2,124,620	12.8%	Edmunds	\$51,883	\$55,131	\$44,546	-14.1%
2nd CIRCUIT					Faulk	\$35,155	\$31,603	\$31,991	-9.0%
Lincoln	\$311,625	\$350,260	\$248,791	-20.2%	Marshall	\$44,651	\$49,572	\$39,686	-11.1%
Minnehaha	\$1,622,119	\$1,905,641	\$1,578,829	-2.7%	McPherson	\$15,588	\$8,531	\$6,493	-58.3%
TOTAL	\$1,933,744	\$2,255,901	\$1,827,621	-5.5%	Roberts	\$256,857	\$314,610	\$325,460	26.7%
3rd CIRCUIT					Spink	\$82,936	\$84,197	\$68,847	-17.0%
Beadle	\$219,382	\$211,130	\$213,980	-2.5%	Walworth	\$129,238	\$149,302	\$139,849	8.2%
Brookings	\$384,294	\$414,132	\$395,106	2.8%	TOTAL	\$1,066,445	\$1,191,669	\$1,117,924	4.8%
Clark	\$38,228	\$40,461	\$32,884	-14.0%	6th CIRCUIT				
Codington	\$341,749	\$327,202	\$373,699	9.3%	Bennett	\$33,929	\$41,023	\$49,458	45.8%
Deuel	\$62,765	\$63,148	\$51,438	-18.0%	Gregory	\$51,161	\$39,781	\$50,119	-2.0%
Grant	\$150,335	\$89,867	\$89,621	-40.4%	Haakon	\$21,827	\$43,695	\$42,677	95.5%
Hamlin	\$39,441	\$76,573	\$38,302	-2.9%	Hughes	\$192,749	\$228,298	\$216,542	12.3%
Hand	\$44,674	\$46,633	\$20,321	-54.5%	Hyde	\$28,143	\$27,261	\$26,648	-5.3%
Jerauld	\$21,729	\$21,350	\$21,328	-1.8%	Jackson	\$52,555	\$64,045	\$86,454	64.5%
Kingbury	\$74,007	\$80,962	\$47,954	-35.2%	Jones	\$41,676	\$45,582	\$48,942	17.4%
Lake	\$117,606	\$116,212	\$144,336	22.7%	Lyman	\$95,645	\$136,727	\$105,845	10.7%
Miner	\$17,074	\$21,760	\$22,841	33.8%	Mellette	\$16,005	\$22,944	\$18,384	14.9%
Moody	\$149,925	\$127,979	\$130,177	-13.2%	Potter	\$44,804	\$44,841	\$39,847	-11.1%
Sanborn	\$34,970	\$34,622	\$33,139	-5.2%	Stanley	\$77,475	\$68,527	\$81,617	5.3%
TOTAL	\$1,696,179	\$1,672,031	\$1,615,125	-4.8%	Sully	\$43,075	\$52,554	\$60,482	40.4%
					Todd/Tripp	\$91,123	\$87,714	\$68,466	-24.9%
					TOTAL	\$790,167	\$902,992	\$895,483	13.3%
					7th CIRCUIT				
					Custer	\$78,157	\$90,517	\$91,987	17.7%
					Fall River/Shannon	\$108,333	\$115,672	\$94,989	-12.3%
					Pennington	\$696,333	\$918,281	\$1,157,565	66.2%
					TOTAL	\$882,823	\$1,124,470	\$1,344,542	52.3%
				% CHANGE FROM FY99/FY2001					
STATE TOTALS	\$9,406,457	\$10,638,772	\$10,279,526	9.3%					

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, a local 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 the 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 \$3.00 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 18% of the court-appointed attorney costs in-

curred. This figure is shown in the second column of Table 9 on page 29.

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

Chart 8 on page 28 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 30 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 28 shows that the gap between the cost of court-appointed at-

torneys and the amount which counties recover 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 - FY2001

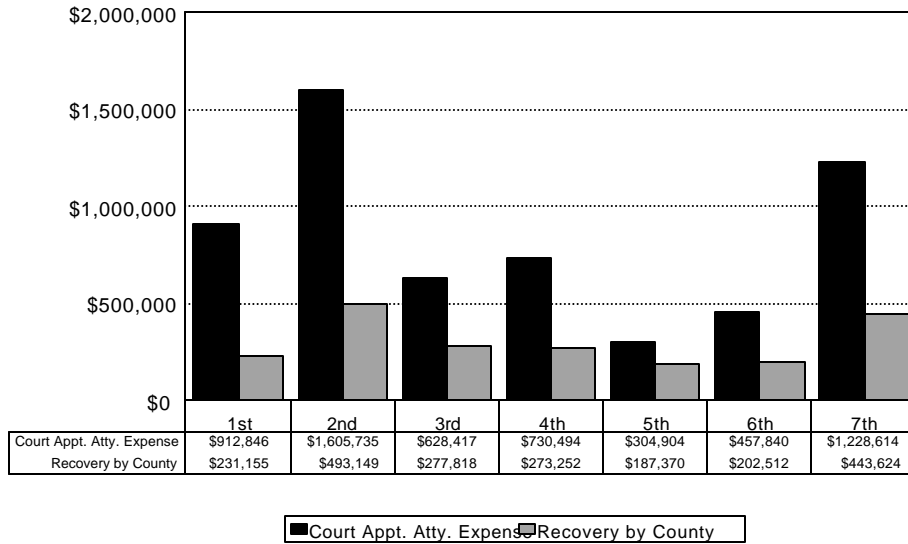
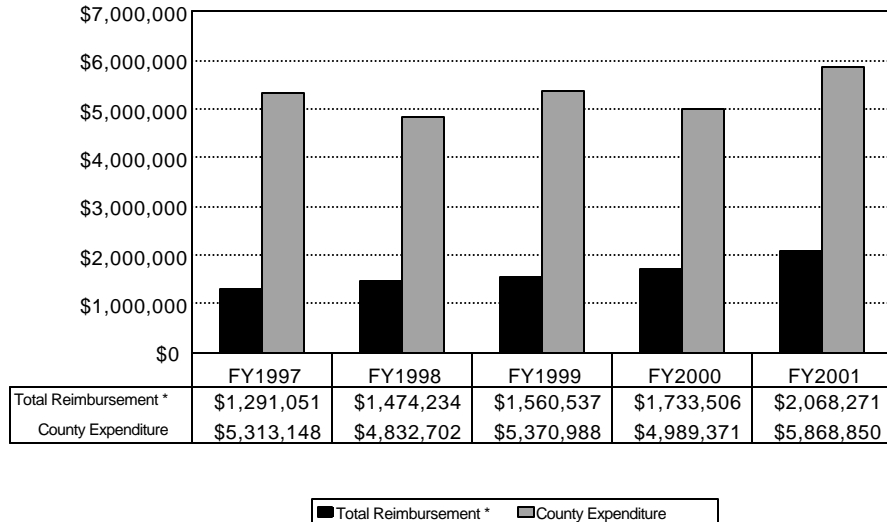


Chart 9. Court-Appointed Attorney Cost Payback by Fiscal Year



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

**Table 9. COUNTY EXPENDITURES AND REPAYMENT
FOR COURT-APPOINTED ATTORNEYS - FY2001**

Circuits and Counties	Total Paid By County	Allocated by Statute	Paid by Defendant *	County Recovery	Percent Paid
1st CIRCUIT					
Aurora	\$151,494	\$22,328	\$6,281	\$28,610	18.9%
Bon Homme	\$28,449	\$5,023	\$5,250	\$10,273	36.1%
Brule-Buffalo	\$25,346	\$6,308	\$8,322	\$14,630	57.7%
Charles Mix	\$91,012	\$16,253	\$14,532	\$30,785	33.8%
Clay	\$36,483	\$5,544	\$6,476	\$12,020	32.9%
Davison	\$106,362	\$16,780	\$3,694	\$20,474	19.2%
Douglas	\$31,706	\$4,843	\$2,234	\$7,077	22.3%
Hanson	\$13,044	\$2,184	\$1,009	\$3,193	24.5%
Hutchinson	\$58,904	\$8,682	\$8,421	\$17,102	29.0%
McCook	\$115,299	\$17,365	\$4,148	\$21,513	18.7%
Turner	\$33,582	\$7,711	\$9,769	\$17,479	52.0%
Union	\$123,531	\$18,852	\$12,701	\$31,553	25.5%
Yankton	\$97,635	\$16,310	\$28,745	\$45,055	46.1%
TOTAL	\$912,846	\$148,182	\$111,582	\$231,155	25.3%
2nd CIRCUIT					
Lincoln	\$115,318	\$19,235	\$21,374	\$40,609	35.2%
Minnehaha	\$1,490,416	\$233,818	\$218,722	\$452,540	30.4%
TOTAL	\$1,605,735	\$253,053	\$240,096	\$493,149	30.7%
3rd CIRCUIT					
Beadle	\$101,796	\$18,864	\$44,653	\$63,517	62.4%
Brookings	\$113,666	\$18,720	\$51,056	\$69,776	61.4%
Clark	\$22,079	\$3,254	\$8,533	\$11,787	53.4%
Codington	\$211,900	\$32,382	\$60,813	\$93,195	44.0%
Deuel	\$9,052	\$1,334	\$3,129	\$4,463	49.3%
Grant	\$16,165	\$2,994	\$12,421	\$15,415	95.4%
Hamlin	\$8,914	\$1,314	\$3,690	\$5,004	56.1%
Hand	\$1,726	\$389	\$361	\$750	43.5%
Jerauld	\$8,772	\$1,293	\$4,277	\$5,570	63.5%
Kingsbury	\$19,848	\$3,304	\$5,037	\$8,341	42.0%
Lake	\$46,053	\$7,582	\$15,221	\$22,803	49.5%
Miner	\$24,041	\$4,177	\$1,899	\$6,076	25.3%
Moody	\$38,618	\$8,331	\$11,240	\$19,571	50.7%
Sanborn	\$5,787	\$853	\$3,169	\$4,022	69.5%
TOTAL	\$628,417	\$104,791	\$225,499	\$277,818	44.2%
4th CIRCUIT					
Butte	\$63,821	\$17,523	\$14,201	\$31,724	49.7%
Corson	\$6,108	\$900	\$744	\$1,644	26.9%
Dewey	\$1,943	\$1,443	\$398	\$1,842	94.8%
Harding	\$6,388	\$942	\$402	\$1,344	21.0%
Lawrence	\$419,502	\$73,504	\$71,314	\$144,818	34.5%
Meade	\$211,157	\$37,929	\$33,796	\$71,725	34.0%
Perkins	\$21,401	\$5,458	\$12,984	\$18,442	86.2%
Ziebach	\$174	\$26	\$1,687	\$1,713	983.3%
TOTAL	\$730,494	\$137,725	\$135,527	\$273,252	37.4%
5th CIRCUIT					
Brown	\$112,419	\$28,306	\$72,857	\$101,163	90.0%
Campbell	\$6,202	\$914	\$2,108	\$3,022	48.7%
Day	\$31,251	\$4,606	\$5,413	\$10,019	32.1%
Edmunds	\$3,263	\$481	\$827	\$1,308	40.1%
Faulk	\$3,046	\$449	\$1,262	\$1,710	56.2%
Marshall	\$16,087	\$2,371	\$4,637	\$7,008	43.6%
McPherson	\$590	\$87	\$20	\$107	18.1%
Roberts	\$68,872	\$10,176	\$19,982	\$30,159	43.8%
Spink	\$26,180	\$4,499	\$8,590	\$13,089	50.0%
Walworth	\$36,994	\$6,416	\$13,369	\$19,785	53.5%
TOTAL	\$304,904	\$58,306	\$129,064	\$187,370	61.5%
6th CIRCUIT					
Bennett	\$60,214	\$10,659	\$14,879	\$25,538	42.4%
Gregory	\$20,457	\$4,345	\$4,848	\$9,193	44.9%
Haakon	\$17,756	\$3,223	\$2,581	\$5,803	32.7%
Hughes	\$169,666	\$28,467	\$33,093	\$61,560	36.3%
Hyde	\$1,761	\$260	\$1,472	\$1,732	98.3%
Jackson	\$31,717	\$4,675	\$8,245	\$12,920	40.7%
Jones	\$9,766	\$1,439	\$3,629	\$5,068	51.9%
Lyman	\$32,501	\$5,012	\$14,213	\$19,225	59.2%
Mellette	\$21,216	\$5,334	\$3,028	\$8,363	39.4%
Potter	\$15,966	\$3,779	\$929	\$4,708	29.5%
Stanley	\$29,635	\$4,368	\$11,768	\$16,136	54.4%
Sully	\$7,586	\$1,118	\$4,461	\$5,579	73.5%
Todd/Tripp	\$39,599	\$6,253	\$20,436	\$26,689	67.4%
TOTAL	\$457,840	\$78,931	\$123,581	\$202,512	44.2%
7th CIRCUIT					
Custer	\$42,282	\$7,219	\$17,487	\$24,705	58.4%
Fall River/Shannon	\$74,381	\$13,463	\$25,363	\$38,826	52.2%
Pennington	\$1,111,951	\$214,269	\$165,824	\$380,093	34.2%
TOTAL	\$1,228,614	\$234,950	\$208,674	\$443,624	36.1%
STATE TOTALS	\$5,868,850	\$1,015,939	\$1,174,022	\$2,068,271	35.2%

* 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 - FY2001

Circuits and Counties	Total Paid By County	Appoint-ments	Misd. 1 & Felony Dispos'n	Avg. Pmt Per Appt.	Appts. as % of Dispos'n
1st CIRCUIT					
Aurora	\$151,494	19	61	\$7,973	31.1%
Bon Homme	\$28,449	16	95	\$1,778	16.8%
Brule-Buffal	\$25,346	48	198	\$528	24.2%
Charles Mix	\$91,012	159	404	\$572	39.4%
Clay	\$36,483	86	528	\$424	16.3%
Davison	\$106,362	342	746	\$311	45.8%
Douglas	\$31,706	13	37	\$2,439	35.1%
Hanson	\$13,044	19	64	\$687	29.7%
Hutchinson	\$58,904	21	89	\$2,805	23.6%
McCook	\$115,299	26	85	\$4,435	30.6%
Turner	\$33,582	40	113	\$840	35.4%
Union	\$123,531	116	683	\$1,065	17.0%
Yankton	\$97,635	156	892	\$626	17.5%
TOTAL	\$912,846	1,061	3,995	\$860	26.6%
2nd CIRCUIT					
Lincoln	\$115,318	157	519	\$735	30.3%
Minnehaha	\$1,490,416	2,649	6,211	\$563	42.7%
TOTAL	\$1,605,735	2,806	6,730	\$1,297	41.7%
3rd CIRCUIT					
Beadle	\$101,796	144	431	\$707	33.4%
Brookings	\$113,666	177	867	\$642	20.4%
Clark	\$22,079	12	45	\$1,840	26.7%
Codington	\$211,900	198	749	\$1,070	26.4%
Deuel	\$9,052	10	49	\$905	20.4%
Grant	\$16,165	20	110	\$808	18.2%
Hamlin	\$8,914	9	77	\$990	11.7%
Hand	\$1,726	0	29	#DIV/0!	0.0%
Jerauld	\$8,772	5	31	\$1,754	16.1%
Kingsbury	\$19,848	22	69	\$902	31.9%
Lake	\$46,053	109	379	\$423	28.8%
Miner	\$24,041	12	26	\$2,003	46.2%
Moody	\$38,618	70	194	\$552	36.1%
Sanborn	\$5,787	4	31	\$1,447	12.9%
TOTAL	\$628,417	792	3,087	\$793	25.7%
4th CIRCUIT					
Butte	\$63,821	75	222	\$851	33.8%
Corson	\$6,108	4	22	\$1,527	18.2%
Dewey	\$1,943	4	10	\$486	40.0%
Harding	\$6,388	5	16	\$1,278	31.3%
Lawrence	\$419,502	327	1,335	\$1,283	24.5%
Meade	\$211,157	187	890	\$1,129	21.0%
Perkins	\$21,401	27	64	\$793	42.2%
Ziebach	\$174	1	8	\$174	12.5%
TOTAL	\$730,494	630	2,567	\$1,160	24.5%
5th CIRCUIT					
Brown	\$112,419	253	1,092	\$444	23.2%
Campbell	\$6,202	8	26	\$0	30.8%
Day	\$31,251	45	142	\$694	31.7%
Edmunds	\$3,263	6	49	\$544	12.2%
Faulk	\$3,046	14	72	\$218	19.4%
Marshall	\$16,087	0	6	\$0	0.0%
McPherson	\$590	193	473	\$3	40.8%
Roberts	\$68,872	77	271	\$894	28.4%
Spink	\$26,180	4	16	\$6,545	25.0%
Walworth	\$36,994	29	153	\$1,276	19.0%
TOTAL	\$304,904	629	2,300	\$485	27.3%
6th CIRCUIT					
Bennett	\$60,214	111	227	\$542	48.9%
Gregory	\$20,457	32	118	\$639	27.1%
Haakon	\$17,756	16	53	\$1,110	30.2%
Hughes	\$169,666	320	612	\$530	52.3%
Hyde	\$1,761	7	13	\$252	53.8%
Jackson	\$31,717	30	124	\$1,057	24.2%
Jones	\$9,766	11	33	\$888	7.4%
Lyman	\$32,501	44	148	\$739	47.8%
Mellette	\$21,216	32	92	\$663	80.0%
Potter	\$15,966	7	40	\$2,281	4.8%
Stanley	\$29,635	53	146	\$559	68.8%
Sully	\$7,586	0	77	\$0	0.0%
Todd/Tripp	\$39,599	45	136	\$880	33.1%
TOTAL	\$457,840	708	1,819	\$647	38.9%
7th CIRCUIT					
Custer	\$42,282	61	249	\$693	24.5%
Fall River/Shann	\$74,381	134	367	\$555	36.5%
Pennington	\$1,111,951	1,919	4,705	\$579	40.8%
TOTAL	\$1,228,614	2,114	5,321	\$581	39.7%

STATE TOTALS	Total Paid By County	Appoint-ments	Misd. 1 & Felony Dispos'n	Avg. Pmt Per Appt. *	Appts. as % of Dispos'n
	\$5,868,850	8,740	25,819	\$671	33.9%

* Does not include county reimbursements which substantially lowers the average payment per appointment to \$435 per case. (\$5,868,850-\$2,068,271 = \$3,800,579/8,740 = \$435)

Travel by Circuit Personnel

By state law a circuit judge is to be available to hold court in each organized county in the state. Due to the limited number of circuit judges available and the rural nature of this state, most judges, court reporters and court services officers must travel throughout their circuits to perform their pro-

fessional duties. 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 32.

Table 11. FY2001 MILEAGE BY JUDICIAL PERSONNEL

Judae or Magistrate	Mileage	Judae or Magistrate	Mileage	Judae or Magistrate	Mileage
<u>First Circuit:</u>		<u>Third Circuit</u>		<u>Sixth Circuit:</u>	
Anderson, B.	7,829	Erickson	7,276	Anderson	7,090
Anderson, L.	9,240	Martin	3,831	Gors	19,753
Cody	7,510	Pierce	10,573	Myren	3,078
Eng	5,314	Roehr	2,767	Trandahl	11,872
Kiner	2,938	Steele	5,502	Wilbur	10,083
McMurchie	10,020	Timm	4,924	Zinter	3,811
Miller	6,345	Tucker	5,283	Outside Circuit Judges	1,504
Rusch	7,753	Outside Circuit Judges	932	TOTAL	57,191
Tappe	8,668	TOTAL	41,088		
Outside Circuit Judges	2,771				
TOTAL	68,388				
<u>Second Circuit:</u>		<u>Fourth Circuit:</u>		<u>Seventh Circuit:</u>	
Bogue	2,860	Bastian	6,372	Davis	3,260
Caldwell	1,140	Johnson	6,336	Fitzgerald	1,426
Gregory	1,612	Johns	4,930	Kern	3,525
Irvine	200	Oswald	4,242	O'Connor	8,136
Kean	120	Eckrich	3,995	Pahlke	5,450
Lieberman	464	Outside Circuit Judges	0	Severens	2,280
Meierhenry	1,198	TOTAL	25,875	Tice	1,818
Riepel	830			Trimble	1,960
Sage	852	<u>Fifth Circuit:</u>		Outside Circuit Judges	3,961
Severson	904	Dobberpuhl	13,312	TOTAL	31,816
Srstka	940	Flemmer	13,594		
Timm	400	Portra	11,215		
Outside Circuit Judges	0	Lovrien	9,946		
TOTAL	11,520	Von Wald	12,223		
		Outside Circuit Judges	0		
		TOTAL	60,290		
				STATE TOTAL	296,171

**Table 12. FY2001 MILEAGE BY COURT SERVICES PERSONNEL
FOR OFFICIAL FUNCTIONS**

Officer	Mileage	Officer	Mileage	Officer	Mileage
First Circuit:		Third Circuit:		Sixth Circuit:	
Berndt	1,370	Butler	3,400	Birkeland	13,796
Diede	13,891	Goldsmith	4,309	Brozik	14,743
Drapeaux	736	Kjellsen	6,984	Christensen	7,423
Dringman	4,465	Mielke	1,338	Connot	4,161
Foltz	2,899	Moen	4,200	Lindner	4,460
Freeman	6,996	Nihart	3,515	Petersen	6,346
Friberg	4,084	Schneider	2,663	Schuyler	7,746
Gropper	9,928	Tappe	6,329	TOTAL	58,675
Hansen	16,361	Ramynke	1,905	Seventh Circuit:	
Hofer	13,132	TOTAL	34,643	Battista	4,664
Ibis	0	Fourth Circuit:		Dansby	1,010
Max	1,307	Baloun	1,726	Drew	1,842
McNeely	705	Burg	869	Fauss	1,979
Nelsen	5,713	Coacher	9,034	Gordon	1,472
Priebe	10,708	Gallagher	926	Horner	90
Sudbeck	1,300	Jacobson	0	Mann	515
TOTAL	93,595	Nedved	0	Mitchell	1,817
Second Circuit:		Portwood	743	Murray	416
Adler	1,082	Smith	5,233	Nagel	1,598
Ahrendt	2,042	TOTAL	18,531	Norris	471
Anderson	470	Fifth Circuit:		Peterson	1,266
Clayton	1355	Archer	5,580	Ritter	152
Grove	1,174	Hansen	300	Sayler	82
Hall	4,135	Ingemansen	4,485	Stephens	401
Hansen	470	Lindner	1,143	Thomas	251
Jaqua	1,076	Rau	1,221	Vermeulen	1,080
Kary	736	Rice	0	Wright	313
LeMair	1,044	Simons	13,326	TOTAL	19,419
Lillestol	11273	Spiry	2,299	STATE TOTAL	
Loving	1,549	Sutherland	6,925		314,393
Rockafellow-Pfitzer	1,698	Walthrop	6,156		
Smith	3,792	TOTAL	41,435		
Sondgeroth	1,220				
Steen	470				
Tveidt	470				
Weisenberger	470				
Wildes	3,358				
Wolfgang	8,625				
Willis	2,668				
TOTAL	48,095				

* Effective FY2000 Chief Court Services Officers mileage is not reported.

Chart 10. FY2001 Mileage Comparison by Circuit

