

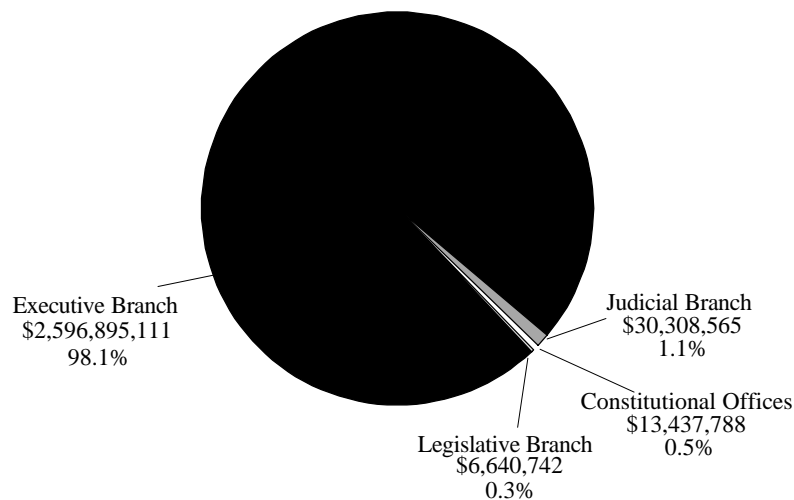
**FINANCES, RECEIPTS AND
DISBURSEMENTS**

Table 5. STATE BUDGET - FY2004

BRANCH OF GOVERNMENT	BUDGETED FTE	PERCENT OF TOTAL	BUDGET AMOUNT *	PERCENT OF TOTAL
EXECUTIVE BRANCH DEPARTMENTS:				
Executive Management	616.4	4.7%	\$101,872,936	3.8%
Revenue and Regulation	296.2	2.3%	\$57,207,903	2.2%
Agriculture	169.5	1.3%	\$18,399,352	0.7%
Tourism	159.2	1.2%	\$40,379,147	1.5%
Game, Fish and Parks	547.2	4.2%	\$50,461,752	1.9%
Social Services	937.8	7.2%	\$613,503,202	23.2%
Health	374.7	2.9%	\$49,664,682	1.9%
Labor	426.6	3.3%	\$38,351,599	1.4%
Transportation	1,007.0	7.7%	\$395,968,760	15.0%
Education	122.1	0.9%	\$472,202,497	17.8%
Public Safety	379.1	2.9%	\$38,002,550	1.4%
Board of Regents	5,018.6	38.4%	\$421,196,200	15.9%
Military and Veteran's Affairs	178.5	1.4%	\$31,454,394	1.2%
Corrections	797.1	6.1%	\$77,210,524	2.9%
Human Services	1,192.7	9.1%	\$178,018,767	6.7%
Environment and Natural Resources	166.9	1.3%	\$13,000,846	0.5%
EXECUTIVE BRANCH TOTAL	12,389.6	94.9%	\$2,596,895,111	98.1%
CONSTITUTIONAL OFFICES	136.9	1.0%	\$13,437,788	0.5%
LEGISLATIVE BRANCH	58.9	0.5%	\$6,640,742	0.3%
JUDICIAL BRANCH	470.9	3.6%	\$30,308,565	1.1%
STATE TOTALS	13,056.3	100.0%	\$2,647,282,206	100.0%

* Includes Informational Budgets

**Chart 2. South Dakota State Budget
FY2004**



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 \$23.9 million for the system's full and part-time employees. The state also funded operating costs of \$6.7 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 circuit and magistrate courts. The following definitions apply to the information listed in Table 6 on page 21.

Definitions of Receipt Categories

Bonds/Undertakings/Non-Interest Trusts/Prepaid Court Appointed Attorney Fees: Bonds are posted in conjunction with a criminal case. This money is either forfeited, used to pay subsequent fines and costs, or is returned to the defendant or depositor. Undertakings are posted in civil cases and appeals. Non-interest trusts are posted until legal owner is determined or located. Court appointed attorney fees are posted as pre-payment.

City Fines: Fines collected for city ordinance violations. City fines are paid into the city general fund (65%) and state general fund (35%) for services provided by the Unified Judicial System.

City Costs: Costs levied in conjunction with city fines as reimbursement to the city for an identifiable amount spent by the city in prosecuting a case. These funds are paid into the city general fund.

City Forfeitures: Forfeitures of bonds posted for violations of city ordinances. These funds are paid into the city general fund (65%) and state general fund (35%).

State Fines: Fines collected for violation of state laws. These fines are paid to the county treasury for eventual transfer to the school district of the county in which the violation occurred.

State Costs: Money collected in conjunction with state fines to cover county costs. These are deposited in the county general fund.

State Forfeitures: Forfeitures of bonds posted for violations of state law. This money is paid into the county general fund.

Court Automation Fund:

-Court Automation Surcharge: A surcharge is assessed on all criminal prosecutions and civil actions to fund court automation costs. The following is the court automation fee schedule effective July 1, 2003:

Civil actions, probate proceedings, other judicial proceedings	\$15.00
Small claims where the amount in controversy is \$0 to \$3,999.99	\$ 3.00
\$4,000 to \$8,000	\$ 5.00
All felony criminal cases	\$25.50
All Class 1 misdemeanors	\$15.50
All Class 2 misdemeanors (violation of state law)	\$ 8.50
All Class 2 misdemeanors (violation of county or municipal ordinance)	\$ 5.50
All violations of administrative rules with criminal penalties	\$ 5.50
All appeals, original actions or other actions filed with the Supreme Court	\$20.00

-Fax Filing Fees: A fee of \$1 per page (\$10 minimum) for incoming fax filings. A fee of \$1 per page (\$5 minimum) for outgoing transmission of any opinion, record, or paper from an active or inactive file in the clerk's custody.

-Record Searches: A Fee of \$15 for each name search of court records if the search is being conducted for a person who is not a party to a pending state or federal action. A fee of \$5 for each name search of court records if the search is being conducted in conjunction with a pending state court or federal court action and the person making the records search request so certifies.

-Non-Resident Attorney Admissions: 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 \$27.00 surcharge assessed for all criminal convictions. Seventeen 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.

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 - FY2004

<u>RECEIPTS</u>	FIRST CIRCUIT	SECOND CIRCUIT	THIRD CIRCUIT	FOURTH CIRCUIT	FIFTH CIRCUIT	SIXTH CIRCUIT	SEVENTH CIRCUIT	STATE TOTAL
BONDS/UNDERTAKINGS/NO-INT TRUSTS	650,411	1,629,201	505,607	1,627,581	411,714	557,970	959,142	6,341,626
CITY FINES	120,623	617,617	144,759	29,277	74,444	23,390	275,851	1,285,960
CITY COSTS	1,253	3,190	240	290	0	0	4,662	9,635
CITY FORFEITURES	0	4,043	236	0	0	0	0	4,279
COUNTY FINES/COSTS/FORFEITURES	15,282	1,972	6,210	221	399	80	673	24,837
STATE FINES	1,833,593	1,582,086	1,542,609	1,311,809	1,211,665	815,194	1,343,957	9,640,913
STATE COSTS	100,829	77,745	77,043	77,034	45,659	39,238	74,867	492,415
STATE FORFEITURES	28,524	291,816	41,534	31,425	9,085	10,400	7,350	420,134
LIQUIDATED COSTS	571,462	897,164	527,475	316,563	397,945	251,831	669,534	3,631,973
COURT AUTOMATION FUND	357,795	398,898	971,159	153,020	233,988	196,716	276,761	2,588,337
VICTIM COMPENSATION - SURCHARGE	53,013	81,494	48,988	29,025	36,016	23,445	62,645	334,626
CASH FEES	148,286	250,235	140,625	65,456	91,507	56,646	160,627	913,381
DIVORCE FEES	19,350	34,250	17,150	14,450	10,850	6,800	24,225	127,075
LAW LIBRARY FEES	22,361	38,682	22,060	9,546	13,306	8,164	24,045	138,164
POSTAGE (SMALL CLAIMS)	30,266	52,428	26,921	11,338	12,089	9,548	37,657	180,248
PETTY OFFENSE	32,505	68,845	39,091	12,055	33,744	18,263	31,453	235,956
RESTITUTION	486,031	638,625	460,220	301,850	532,017	163,532	550,262	3,132,536
COURT APPOINTED ATTORNEY FEES *	124,585	333,049	257,080	184,867	155,287	162,133	249,303	1,466,305
NSF CHECK CHARGES	2,340	2,170	2,330	1,010	750	480	1,860	10,940
PASSPORT FEES	5,040	60	3,990	2,550	5,430	2,790	0	19,860
MARRIAGE FEES	8,160	20	5,320	680	3,780	2,280	720	20,960
DRUG TEST FEES	1,030	6,853	2,302	3,152	785	1,095	7,114	22,330
CHANGE OF VENUE	866	1,089	672	429	542	690	862	5,150
CHILD SUPPORT	675,320	736,804	757,885	421,081	298,763	225,032	745,301	3,860,185
CIVIL PASS THROUGH	8,335	2,310	16,883	1,936	8,629	5,602	8,990	52,686
ALIMONY	102,749	51,752	160,707	34,933	15,343	47,828	95,714	509,027
INTEREST-BEARING TRUST FUNDS	52	28,662	2,173	0	28,207	171,092	707	230,893
OTHER	15,553	11,887	16,561	9,003	8,987	6,037	29,035	97,063
TOTAL RECEIVED	\$5,415,613	\$7,842,945	\$5,797,831	\$4,650,579	\$3,640,932	\$2,806,276	\$5,643,316	\$35,797,493
<u>DISBURSEMENTS</u>								
BOND REFUNDS	686,564	1,590,503	455,726	1,560,663	329,362	492,816	1,056,121	6,171,755
REMITTED TO STATE	1,046,336	1,604,926	1,614,486	516,299	704,889	486,851	1,115,383	7,089,169
REMITTED TO CITY	79,658	407,269	94,487	22,108	48,389	15,203	183,964	851,078
REMITTED TO COUNTY	2,320,036	2,677,992	2,141,230	1,706,811	1,571,363	1,116,891	1,916,299	13,450,621
CHANGE OF VENUE	866	1,089	672	429	542	690	862	5,150
RESTITUTION	486,380	612,334	438,233	307,684	513,954	157,472	538,545	3,054,600
POSTAGE (SMALL CLAIMS)	30,266	52,428	26,921	11,338	12,089	9,548	37,657	180,248
CHILD SUPPORT	675,320	736,804	757,885	421,081	298,763	225,032	745,301	3,860,185
CIVIL PASS THROUGH	8,335	2,310	16,883	1,936	8,629	5,602	8,990	52,686
ALIMONY	102,749	51,752	160,707	34,933	15,343	47,828	95,714	509,027
INTEREST-BEARING TRUST FUNDS	0	0	0	0	155,523	0	200,998	356,521
OTHER	11,723	10,389	12,101	7,501	8,712	4,771	22,758	77,955
TOTAL DISBURSED	\$5,448,233	\$7,747,796	\$5,719,330	\$4,590,783	\$3,667,557	\$2,562,703	\$5,922,591	\$35,658,994

* 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

	FY2000	FY2001	FY2002	FY2003	FY2004
<u>RECEIPTS</u>					
POSTED BONDS	4,187,792	4,611,487	5,714,321	5,791,708	6,341,626
CITY FINES	1,537,711	1,504,656	1,251,778	1,216,693	1,285,960
CITY COSTS	11,811	9,877	9,946	8,933	9,635
CITY FORFEITURES	2,292	3,894	3,511	2,526	4,279
COUNTY FINES/COSTS/FORFEITURES	8,418	25,168	35,853	29,484	24,837
STATE FINES	10,638,773	10,279,526	10,330,806	10,165,078	9,640,913
STATE COSTS	444,921	446,191	424,248	496,010	492,415
STATE FORFEITURES	206,506	229,036	418,932	274,108	420,134
LIQUIDATED COSTS	3,236,207	3,613,373	3,609,915	3,436,731	3,631,973
CT AUTOMATION - SRCHG / FAX / SEARCH / AT	1,935,212	2,192,848	2,240,394	2,335,340	2,588,337
VICTIM COMPENSATION - SURCHARGE	362,135	361,576	353,922	338,114	334,626
CASH FEES	869,913	937,234	909,643	913,008	913,381
DIVORCE FEES	149,737	141,390	137,290	136,220	127,075
LAW LIBRARY FEES	136,938	149,831	141,444	140,763	138,164
POSTAGE (SMALL CLAIMS)	112,038	127,538	158,510	178,295	180,248
PETTY OFFENSE	176,680	224,664	221,374	243,576	235,956
RESTITUTION	3,077,051	2,811,422	3,044,615	2,921,264	3,132,536
COURT APPOINTED ATTORNEY FEES *	1,148,993	1,174,022	1,159,909	1,315,988	1,466,305
NSF CHECK CHARGES	7,240	8,970	11,345	11,878	10,940
PASSPORT FEES	12,735	11,700	11,280	19,185	19,860
MARRIAGE FEES	23,100	23,100	21,340	21,660	20,960
DRUG TEST FEES	32,099	32,194	24,871	22,542	22,330
CHANGE OF VENUE	7,686	5,805	4,945	4,230	5,150
CHILD SUPPORT	9,922,726	7,578,700	5,911,698	4,928,851	3,860,185
CIVIL PASS THROUGH	89,887	79,898	111,812	52,244	52,686
ALIMONY	510,468	491,570	466,697	480,999	509,027
INTEREST-BEARING TRUST FUND	135,083	297,161	215,131	107,941	230,893
OTHER	54,648	87,260	56,732	138,129	97,063
<u>TOTAL RECEIVED</u>	\$39,038,800	\$37,460,089	\$37,002,260	\$35,731,497	\$35,797,493
<u>DISBURSEMENTS</u>					
BOND REFUNDS	3,916,234	4,227,093	5,033,140	6,205,742	6,171,755
REMITTED TO STATE	6,150,422	6,779,661	6,723,720	6,622,388	7,089,169
REMITTED TO CITY	1,012,812	990,433	825,883	801,425	851,078
REMITTED TO COUNTY	13,778,186	13,599,154	13,768,197	13,704,025	13,450,621
CHANGE OF VENUE	7,686	5,805	4,945	4,230	5,150
RESTITUTION	3,072,572	2,755,402	3,035,155	2,947,017	3,054,600
POSTAGE (SMALL CLAIMS)	112,038	127,538	158,510	178,295	180,248
CHILD SUPPORT **	9,922,726	7,578,700	5,911,698	4,928,851	3,860,185
CIVIL PASS THROUGH	89,887	79,898	111,812	52,244	52,686
ALIMONY	510,468	491,570	466,697	480,999	509,027
INTEREST-BEARING TRUST FUND	80,561	66,401	112,948	117,064	356,521
OTHER	52,394	84,503	60,836	126,381	77,955
<u>TOTAL DISBURSED</u>	\$38,705,986	\$36,786,158	\$36,213,539	\$36,168,660	\$35,658,994

* 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.

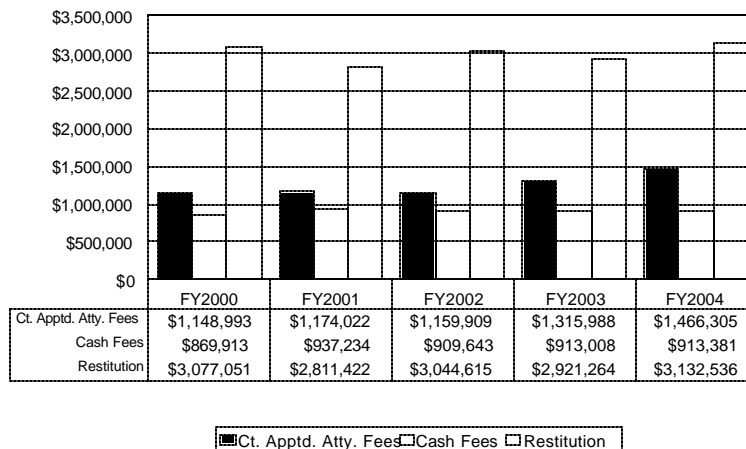
Cash fees is money paid by the public for services rendered by the court. Cash fees include such things as filing fees (the fee paid at the beginning of noncriminal court actions such as divorces or small claims actions), fees for providing certified transcripts of records, and fees paid for photocopying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

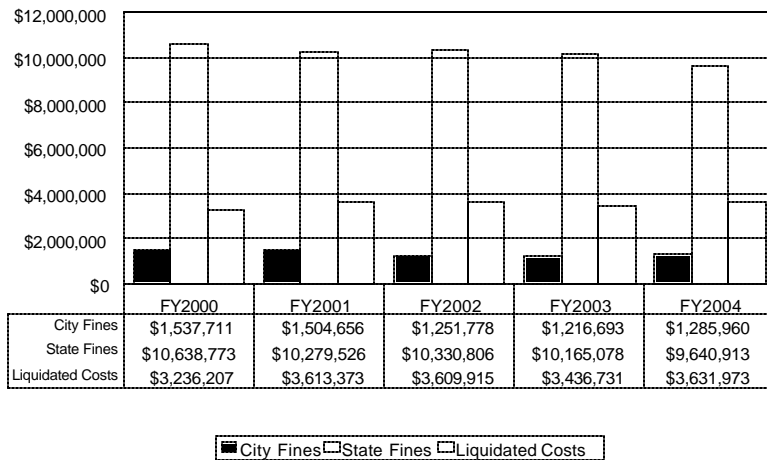
Chart 4, below, compares fines and liquidated costs collected for criminal cases over the last five years. **State fines** are fines assessed for violations of state laws and go to the school district of the county in which the violation occurred. **City fines** are fines assessed for violations of municipal ordinances and are returned to the city general fund (65%) and the state general fund (35%). **Liquidated costs** of \$27.00 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. Approxi-

mately 63% is used for law enforcement 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 37% 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, state fines, and liquidated costs have remained relatively constant.

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



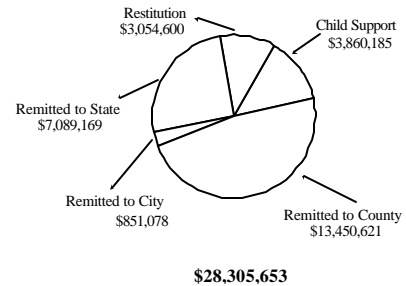
Child Support

Child support receipts is the second largest 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.

Constitution -- costs, and forfeitures, and various fees for civil filings. The county remittance over the past three years has remained steady.

Chart 5. FY2004 UJS Selected Disbursements



Disbursements

Charts 5 and 6 illustrate 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. 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 three years has remained steady.

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

Chart 6. UJS Selected Disbursements Compared

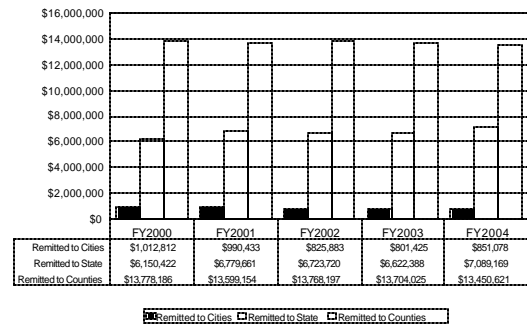


Chart 7. UJS Selected Revenue Disbursements

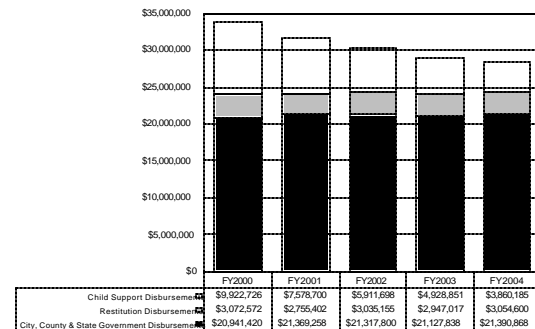


Table 8. COMPARISON OF STATE FINE RECEIPTS BY COUNTY AND CIRCUIT

COUNTIES:	FY2002	FY2003	FY2004	% Change FY02/FY04
1st CIRCUIT				
Aurora	\$43,572	\$39,045	\$38,014	-12.8%
Bon Homme	\$58,550	\$52,769	\$58,724	0.3%
Brule	\$89,962	\$90,211	\$92,459	2.8%
Charles Mix	\$139,607	\$116,818	\$120,616	-13.6%
Clay	\$196,486	\$177,726	\$172,790	-12.1%
Davison	\$330,176	\$319,087	\$306,604	-7.1%
Douglas	\$27,397	\$19,124	\$23,985	-12.5%
Hanson	\$39,538	\$40,747	\$30,166	-23.7%
Hutchinson	\$62,505	\$44,178	\$59,977	-4.0%
McCook	\$49,491	\$45,687	\$62,464	26.2%
Turner	\$54,473	\$53,200	\$58,194	6.8%
Union	\$578,637	\$570,808	\$485,945	-16.0%
Yankton	\$339,924	\$335,938	\$323,657	-4.8%
TOTAL	\$2,010,317	\$1,905,337	\$1,833,593	-8.8%
2nd CIRCUIT				
Lincoln	\$272,486	\$277,137	\$243,414	-10.7%
Minnehaha	\$1,475,247	\$1,393,868	\$1,338,672	-9.3%
TOTAL	\$1,747,734	\$1,671,005	\$1,582,086	-9.5%
3rd CIRCUIT				
Beadle	\$203,970	\$207,780	\$208,844	2.4%
Brookings	\$394,032	\$400,851	\$398,394	1.1%
Clark	\$58,884	\$43,226	\$51,421	-12.7%
Codington	\$335,659	\$316,937	\$283,832	-15.4%
Deuel	\$62,122	\$56,700	\$46,190	-25.6%
Grant	\$104,868	\$86,025	\$64,584	-38.4%
Hamlin	\$54,322	\$56,744	\$41,304	-24.0%
Hand	\$30,302	\$36,720	\$30,063	-0.8%
Jerauld	\$18,745	\$32,307	\$32,041	70.9%
Kingbury	\$56,777	\$50,107	\$43,692	-23.0%
Lake	\$141,251	\$142,400	\$138,931	-1.6%
Miner	\$21,047	\$25,325	\$16,204	-23.0%
Moody	\$145,427	\$128,787	\$156,844	7.9%
Sanborn	\$24,557	\$24,589	\$30,267	23.3%
TOTAL	\$1,651,965	\$1,608,497	\$1,542,609	-6.6%

COUNTIES:	FY2002	FY2003	FY2004	% Change FY02/FY04
4th CIRCUIT				
Butte	\$133,619	\$95,977	\$83,171	-37.8%
Corson	\$12,536	\$20,959	\$9,532	-24.0%
Dewey	\$9,412	\$10,097	\$11,367	20.8%
Harding	\$11,117	\$4,744	\$9,900	-10.9%
Lawrence	\$491,994	\$487,182	\$545,731	10.9%
Meade	\$739,424	\$746,388	\$596,866	-19.3%
Perkins	\$32,513	\$47,258	\$46,550	43.2%
Ziebach	\$5,321	\$7,542	\$8,692	63.4%
TOTAL	\$1,435,936	\$1,420,147	\$1,311,809	-8.6%
5th CIRCUIT				
Brown	\$376,347	\$382,796	\$456,823	21.4%
Campbell	\$43,831	\$39,651	\$55,146	25.8%
Day	\$75,362	\$89,610	\$72,687	-3.6%
Edmunds	\$50,596	\$46,783	\$48,070	-5.0%
Faulk	\$36,373	\$30,798	\$31,180	-14.3%
Marshall	\$35,946	\$42,537	\$47,458	32.0%
McPherson	\$5,890	\$8,183	\$6,374	8.2%
Roberts	\$302,294	\$297,824	\$274,864	-9.1%
Spink	\$75,772	\$62,269	\$63,851	-15.7%
Walworth	\$161,506	\$177,965	\$155,213	-3.9%
TOTAL	\$1,163,917	\$1,178,416	\$1,211,665	4.1%
6th CIRCUIT				
Bennett	\$52,341	\$49,785	\$52,692	0.7%
Gregory	\$42,125	\$38,303	\$45,145	7.2%
Haakon	\$17,965	\$26,407	\$35,080	95.3%
Hughes	\$217,213	\$250,419	\$229,498	5.7%
Hyde	\$27,082	\$19,879	\$32,281	19.2%
Jackson	\$154,385	\$85,009	\$55,379	-64.1%
Jones	\$44,901	\$27,789	\$29,716	-33.8%
Lyman	\$140,272	\$111,052	\$100,777	-28.2%
Mellette	\$20,279	\$19,842	\$15,005	-26.0%
Potter	\$42,684	\$39,848	\$55,342	29.7%
Stanley	\$53,845	\$76,026	\$49,088	-8.8%
Sully	\$35,732	\$38,558	\$40,206	12.5%
Todd/Tripp	\$93,920	\$83,596	\$74,984	-20.2%
TOTAL	\$942,746	\$866,514	\$815,194	-13.5%
7th CIRCUIT				
Custer	\$85,655	\$95,091	\$91,853	7.2%
Fall River/Shannon	\$115,034	\$160,437	\$137,653	19.7%
Pennington	\$1,177,502	\$1,259,635	\$1,114,451	-5.4%
TOTAL	\$1,378,191	\$1,515,163	\$1,343,957	-2.5%

STATE	FY2002	FY2003	FY2004	% CHANGE FROM FY02/FY04
TOTALS	\$10,330,806	\$10,165,078	\$9,640,913	-6.7%

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 14% of the court-appointed attorney costs incurred. 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 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 - FY2004

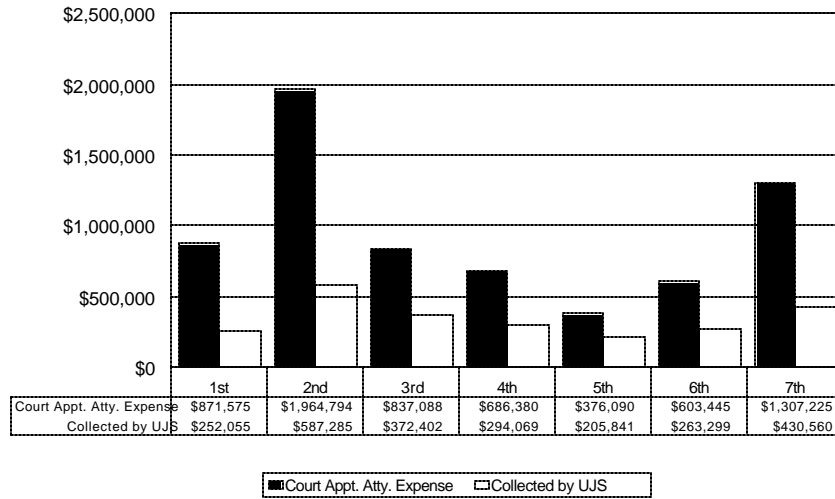
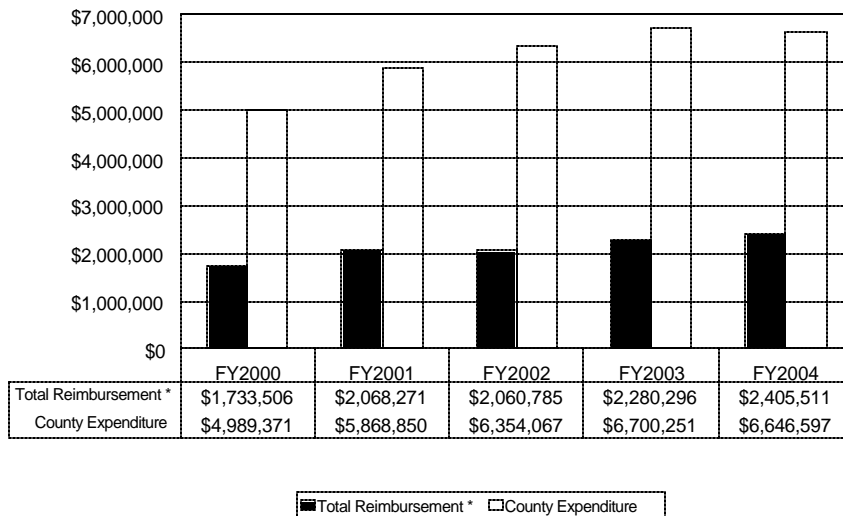


Chart 9. Court-Appointed Attorney Cost Payback by Fiscal Year



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

**Table 9. COUNTY EXPENDITURES AND REPAYMENT
FOR COURT-APPOINTED ATTORNEYS - FY2004**

Circuits and Counties	Total Paid By County	Allocated by Statute	Paid by Defendant *	Collected by UJS	Percent Paid
1st CIRCUIT					
Aurora	\$23,871	\$4,591	\$9,715	\$14,306	59.9%
Bon Homme	\$50,461	\$6,112	\$3,975	\$10,087	20.0%
Brule-Buffalo	\$43,289	\$10,112	\$5,121	\$15,233	35.2%
Charles Mix	\$123,498	\$17,527	\$17,718	\$35,245	28.5%
Clay	\$57,157	\$8,280	\$8,358	\$16,638	29.1%
Davison	\$198,801	\$25,373	\$1,418	\$26,791	13.5%
Douglas	\$2,229	\$270	\$2,865	\$3,135	140.6%
Hanson	\$17,811	\$2,291	\$9,353	\$11,645	65.4%
Hutchinson	\$35,747	\$5,240	\$14,462	\$19,702	55.1%
McCook	\$40,210	\$8,401	\$2,894	\$11,295	28.1%
Turner	\$63,107	\$10,182	\$1,451	\$11,634	18.4%
Union	\$118,045	\$15,661	\$18,892	\$34,553	29.3%
Yankton	\$97,347	\$13,429	\$28,362	\$41,791	42.9%
TOTAL	\$871,575	\$127,470	\$124,585	\$252,055	28.9%
2nd CIRCUIT					
Lincoln	\$125,772	\$18,778	\$26,480	\$45,258	36.0%
Minnehaha	\$1,839,022	\$235,458	\$306,569	\$542,027	29.5%
TOTAL	\$1,964,794	\$254,236	\$333,049	\$587,285	29.9%
3rd CIRCUIT					
Beadle	\$126,858	\$18,818	\$51,554	\$70,372	55.5%
Brookings	\$142,349	\$18,789	\$69,968	\$88,757	62.4%
Clark	\$7,453	\$903	\$4,145	\$5,048	67.7%
Codington	\$273,565	\$33,269	\$57,467	\$90,736	33.2%
Deuel	\$15,476	\$2,806	\$4,033	\$6,839	44.2%
Grant	\$56,759	\$8,533	\$7,333	\$15,866	28.0%
Hamlin	\$20,468	\$2,479	\$8,438	\$10,917	53.3%
Hand	\$22,158	\$2,684	\$6,177	\$8,861	40.0%
Jerauld	\$6,034	\$731	\$4,165	\$4,896	81.1%
Kingsbury	\$35,590	\$4,366	\$5,783	\$10,149	28.5%
Lake	\$49,326	\$8,422	\$13,151	\$21,573	43.7%
Miner	\$16,131	\$3,230	\$495	\$3,724	23.1%
Moody	\$59,400	\$9,624	\$20,409	\$30,033	50.6%
Sanborn	\$5,522	\$669	\$3,961	\$4,630	83.9%
TOTAL	\$837,088	\$115,322	\$257,080	\$372,402	44.5%
4th CIRCUIT					
Butte	\$143,136	\$31,749	\$21,814	\$53,563	37.4%
Corson	\$4,048	\$1,755	\$3,446	\$5,201	128.5%
Dewey	\$2,611	\$316	\$856	\$1,172	44.9%
Harding	\$5,134	\$1,476	\$4,177	\$5,653	110.1%
Lawrence	\$292,351	\$42,834	\$77,381	\$120,214	41.1%
Meade	\$215,347	\$27,998	\$65,303	\$93,301	43.3%
Perkins	\$15,666	\$2,093	\$6,690	\$8,783	56.1%
Ziebach	\$8,088	\$980	\$5,201	\$6,180	76.4%
TOTAL	\$686,380	\$109,201	\$184,867	\$294,069	42.8%
5th CIRCUIT					
Brown	\$131,415	\$19,520	\$86,248	\$105,769	80.5%
Campbell	\$1,737	\$210	\$745	\$955	55.0%
Day	\$49,133	\$5,951	\$8,131	\$14,082	28.7%
Edmunds	\$7,641	\$926	\$1,941	\$2,866	37.5%
Faulk	\$1,531	\$185	\$1,012	\$1,197	78.2%
Marshall	\$37,260	\$4,513	\$11,053	\$15,566	41.8%
McPherson	\$0	\$0	\$0	\$0	0.0%
Roberts	\$93,830	\$11,365	\$17,745	\$29,110	31.0%
Spink	\$15,194	\$1,964	\$14,257	\$16,220	106.8%
Walworth	\$38,349	\$5,919	\$14,155	\$20,074	52.3%
TOTAL	\$376,090	\$50,554	\$155,287	\$205,841	54.7%
6th CIRCUIT					
Bennett	\$68,187	\$12,630	\$16,949	\$29,579	43.4%
Gregory	\$32,358	\$5,907	\$8,548	\$14,455	44.7%
Haakon	\$7,612	\$922	\$2,717	\$3,639	47.8%
Hughes	\$195,197	\$26,903	\$41,880	\$68,782	35.2%
Hyde	\$1,810	\$219	\$476	\$695	38.4%
Jackson	\$19,953	\$2,417	\$4,797	\$7,214	36.2%
Jones	\$19,782	\$2,653	\$5,761	\$8,414	42.5%
Lyman	\$61,642	\$7,734	\$26,677	\$34,410	55.8%
Mellette	\$79,109	\$16,220	\$10,762	\$26,981	34.1%
Potter	\$9,004	\$1,238	\$1,922	\$3,160	35.1%
Stanley	\$22,365	\$3,258	\$14,653	\$17,910	80.1%
Sully	\$16,544	\$2,004	\$3,370	\$5,374	32.5%
Todd/Tripp	\$69,882	\$19,063	\$23,623	\$42,686	61.1%
TOTAL	\$603,445	\$101,166	\$162,133	\$263,299	43.6%
7th CIRCUIT					
Custer	\$42,338	\$8,359	\$20,904	\$29,263	69.1%
Fall River/Shannon	\$91,396	\$11,314	\$22,200	\$33,514	36.7%
Pennington	\$1,173,491	\$161,584	\$206,200	\$367,783	31.3%
TOTAL	\$1,307,225	\$181,257	\$249,303	\$430,560	32.9%

STATE	Total Paid By County	Allocated by Statute	Paid by Defendant *	Collected by UJS	Percent Paid
TOTALS	\$6,646,597	\$939,206	\$1,466,305	\$2,405,511	36.2%

* 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 - FY2004

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	\$23,871	5	65	\$4,774	7.7%
Bon Homme	\$50,461	21	118	\$2,403	17.8%
Brule-Buffalo	\$43,289	71	160	\$610	44.4%
Charles Mix	\$123,498	192	399	\$643	48.1%
Clay	\$57,157	65	404	\$879	16.1%
Davison	\$198,801	426	844	\$467	50.5%
Douglas	\$2,229	6	18	\$372	33.3%
Hanson	\$17,811	29	50	\$614	58.0%
Hutchinson	\$35,747	25	84	\$1,430	29.8%
McCook	\$40,210	48	116	\$838	41.4%
Turner	\$63,107	68	154	\$928	44.2%
Union	\$118,045	153	643	\$772	23.8%
Yankton	\$97,347	199	892	\$489	22.3%
TOTAL	\$871,575	1,308	3,947	\$666	33.1%
2nd CIRCUIT					
Lincoln	\$125,772	222	695	\$567	31.9%
Minnehaha	\$1,839,022	3,306	6,272	\$556	52.7%
TOTAL	\$1,964,794	3,528	6,967	\$1,123	50.6%
3rd CIRCUIT					
Beadle	\$126,858	175	404	\$725	43.3%
Brookings	\$142,348	208	921	\$684	22.6%
Clark	\$7,453	3	43	\$2,484	7.0%
Codington	\$273,565	253	793	\$1,081	31.9%
Deuel	\$15,476	20	63	\$774	31.7%
Grant	\$56,759	44	106	\$1,290	41.5%
Hamlin	\$20,468	33	79	\$620	41.8%
Hand	\$22,158	1	46	\$0	2.2%
Jerauld	\$6,034	4	32	\$1,509	12.5%
Kingsbury	\$35,590	25	74	\$1,424	33.8%
Lake	\$49,326	145	398	\$340	36.4%
Miner	\$16,131	7	30	\$2,304	23.3%
Moody	\$59,400	60	244	\$990	24.6%
Sanborn	\$5,522	7	41	\$789	17.1%
TOTAL	\$837,088	985	3,274	\$850	30.1%

STATE TOTALS	Total Paid By County	Appoint-ments	Misd. 1 & Felony Dispos'n	Avg. Pmt. Per Appt. *	Appts. as % of Dispos'n
	\$6,646,597	10,774	27,067	\$617	39.8%

Circuits and Counties	Total Paid By County	Appoint-ments	Misd. 1 & Felony Dispos'n	Avg. Pmt. Per Appt.	Appts. as % of Dispos'n
4th CIRCUIT					
Butte	\$143,136	133	351	\$1,076	37.9%
Corson	\$4,048	6	17	\$675	35.3%
Dewey	\$2,611	9	25	\$290	36.0%
Harding	\$5,134	3	8	\$1,711	37.5%
Lawrence	\$292,351	441	1,419	\$663	31.1%
Meade	\$215,347	359	1,109	\$600	32.4%
Perkins	\$15,666	30	84	\$522	35.7%
Ziebach	\$8,088	7	11	\$1,155	63.6%
TOTAL	\$686,380	988	3,024	\$695	32.7%
5th CIRCUIT					
Brown	\$131,415	366	1,263	\$359	29.0%
Campbell	\$1,737	4	17	\$434	23.5%
Day	\$49,133	43	140	\$1,143	30.7%
Edmunds	\$7,641	14	64	\$546	21.9%
Faulk	\$1,531	3	31	\$510	9.7%
Marshall	\$37,260	29	109	\$1,285	26.6%
McPherson	\$0	0	16	\$0	0.0%
Roberts	\$93,830	231	579	\$406	39.9%
Spink	\$15,194	20	127	\$760	15.7%
Walworth	\$38,349	85	325	\$451	26.2%
TOTAL	\$376,090	795	2,671	\$473	29.8%
6th CIRCUIT					
Bennett	\$68,187	126	196	\$541	64.3%
Gregory	\$32,358	40	93	\$809	43.0%
Haakon	\$7,612	12	31	\$634	38.7%
Hughes	\$195,197	324	677	\$602	47.9%
Hyde	\$1,810	5	19	\$362	26.3%
Jackson	\$19,953	28	51	\$713	54.9%
Jones	\$19,782	8	27	\$2,473	6.8%
Lyman	\$61,642	53	118	\$1,163	67.9%
Mellette	\$79,109	59	78	\$1,341	113.5%
Potter	\$9,004	13	52	\$693	15.9%
Stanley	\$22,365	43	82	\$520	81.1%
Sully	\$16,544	22	53	\$0	12.1%
Todd/Tripp	\$69,882	89	182	\$785	48.9%
TOTAL	\$603,445	822	1,659	\$734	49.5%
7th CIRCUIT					
Custer	\$42,338	21	176	\$2,016	11.9%
Fall River/Shannon	\$91,396	137	326	\$667	42.0%
Pennington	\$1,173,491	2,190	5,023	\$536	43.6%
TOTAL	\$1,307,225	2,348	5,525	\$557	42.5%

* Does not include county reimbursements which substantially lowers the average payment per appointment to \$394 per case.
 (\$6,646,597-\$2,405,511 = \$4,241,086/10,774 = \$394)

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. FY2004 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.	6,518	Erickson	4,598	Anderson	7,672
Anderson, L.	9,203	Gienapp	7,964	Gors	10,314
Cody	5,638	Pierce	7,960	Myren	9,626
Eng	7,634	Roehr	4,827	Smith	3,741
Jensen	1,357	Steele	5,558	Trandahl	9,043
Kiner	2,040	Timm	5,739	Wilbur	9,108
McMurchie	10,201	Tucker	7,404	TOTAL	49,504
Miller	3,930	TOTAL	44,050		
Rusch	4,488				
TOTAL	51,009				
<u>Second Circuit:</u>		<u>Fourth Circuit:</u>		<u>Seventh Circuit:</u>	
Caldwell	0	Bastian	4,883	Davis	1,710
Gregory	700	Johnson	5,591	Fuller	1,800
Irvine	750	Macy	3,150	Kern	0
Kean	562	Johns	5,181	O'Connor	1,440
Lieberman	452	Eckrich	3,287	Pahlke	1,530
Nieles	884	TOTAL	22,092	Delaney	3,248
Riepel	250			Severns	1,440
Sage	650	<u>Fifth Circuit:</u>		Tice	180
Severson	0	Dobberpuhl	5,654	Trimble	1,590
Srstka	502	Flemmer	12,179	TOTAL	12,938
Tiede	5,552	Lovrien	8,878		
Zell	452	Myren	5,038		
TOTAL	10,754	Portra	10,542		
		Von Wald	12,735		
		TOTAL	55,026		
				STATE TOTAL	245,373

**Table 12. FY2004 MILEAGE BY COURT SERVICES PERSONNEL
FOR OFFICIAL FUNCTIONS**

Officer	Mileage	Officer	Mileage	Officer	Mileage
First Circuit:		Third Circuit:		Sixth Circuit:	
Berndt	2,017	Butler	3,320	Ashley	1,394
Dringman	3,830	Kjellsen	6,806	Birkeland	15,237
Foltz	2,830	Mielke	1,175	Brozik	8,676
Freeman	6,276	Moen	5,365	Christensen	4,493
Friberg	4,507	Nihart	2,950	Connot	15,320
Gropper (Intensive)	5,520	Ramlo	4,252	Lake	2,875
Hofer (Intensive)	9,867	Schneider	3,205	Lindner	4,100
Jensen	1,825	Tappe	6,830	Petersen	6,443
Lindner	4,652	Ramynke	1,788	TOTAL	57,144
Max	4,587	Wheelborg (Intensive)	5,960		
McNeely	1,148	TOTAL	41,651	Seventh Circuit:	
Mudder	19,905			Battista	797
Nelsen	8,217	Fourth Circuit:		Dansby	740
Pepper (Intensive)	21,450	Baloun	705	Fischer	926
Priebe	13,922	Bickerdyke	571	Gordon	567
Sudbeck	4,500	Burg (Intensive)	19,246	Horner	750
TOTAL	115,053	Coacher	2155	Mann	714
		Eiseman	765	McMeekin	1,010
Second Circuit:		Jacobson	1,599	Mitchell (Intensive)	8,601
Adler	1,617	Nedved	5,337	Nagel	1,338
Ahrendt	1,804	TOTAL	30,378	Oestreich	554
Aman (Intensive)	2,550			Osborne	1,028
Berthelson	1,154	Fifth Circuit:		Peterson	1,993
Gravett (Intensive)	6,486	Archer	8,242	Pingrey	983
Hall	2,048	Hansen	8,380	Richter	8,867
Hansen	680	Ingemansen (Intensive)	7,007	Sayler	4,922
Hoffmann	2,000	Rau	923	Stephens (Intensive)	1,243
Jaqua	408	Rice (Intensive)	7,251	Thomas	181
Kary	826	Simons	13,811	Veneklasen	4,643
LeMair	1,703	Hare	7,496	Wright (intensive)	16,105
Lillestol (Intensive)	10,689	Sutherland	3,749	TOTAL	55,962
Rockafellow	472	Waldrop (Intensive)	7,388		
Smith	990	TOTAL	64,247		
Trove	1,340				
Tveidt	385				
Weber	1,377				
Wolfgang	2,072				
Willis	2,600				
TOTAL	41,201				
				STATE TOTAL	405,636

Chart 10. FY2004 Mileage Comparison by Circuit

