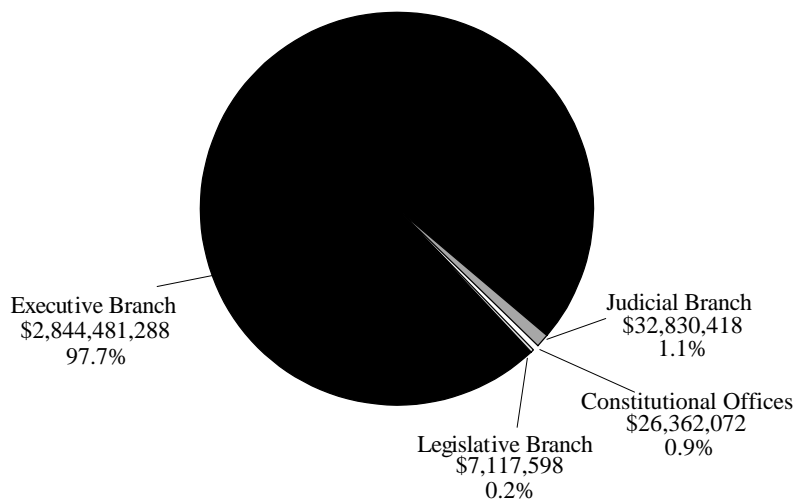


Table 5. STATE BUDGET - FY2005

BRANCH OF GOVERNMENT	BUDGETED FTE	PERCENT OF TOTAL	BUDGET AMOUNT *	PERCENT OF TOTAL
EXECUTIVE BRANCH DEPARTMENTS:				
Executive Management	654.3	4.8%	\$109,761,242	3.8%
Revenue and Regulation	308.1	2.3%	\$53,057,212	1.8%
Agriculture	187.5	1.4%	\$24,148,761	0.8%
Tourism	180.6	1.3%	\$53,793,497	1.8%
Game, Fish and Parks	560.4	4.1%	\$55,126,316	1.9%
Social Services	972.5	7.2%	\$662,464,764	22.8%
Health	377.0	2.8%	\$59,346,677	2.0%
Labor	425.2	3.1%	\$45,261,607	1.6%
Transportation	1,075.3	7.9%	\$430,236,628	14.8%
Education	145.0	1.1%	\$500,695,862	17.2%
Public Safety	402.5	3.0%	\$53,623,860	1.8%
Board of Regents	5,059.9	37.4%	\$457,801,231	15.7%
Military and Veteran's Affairs	184.9	1.4%	\$44,741,169	1.5%
Corrections	835.5	6.2%	\$86,498,413	3.0%
Human Services	1,230.2	9.1%	\$191,713,307	6.6%
Environment and Natural Resources	173.5	1.3%	\$16,210,742	0.6%
EXECUTIVE BRANCH TOTAL	12,772.4	94.4%	\$2,844,481,288	97.7%
CONSTITUTIONAL OFFICES	214.1	1.6%	\$26,362,072	0.9%
LEGISLATIVE BRANCH	71.2	0.5%	\$7,117,598	0.2%
JUDICIAL BRANCH	478.8	3.5%	\$32,830,418	1.1%
STATE TOTALS	13,536.5	100.0%	\$2,910,791,376	100.0%

* Includes Informational Budgets

**Chart 2. South Dakota State Budget
FY2005**



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 \$25.1 million for the system's full and part-time employees. The state also funded operating costs of \$7.7 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, 2004:

Civil actions, probate proceedings, other judicial proceedings	\$20.00
Small claims where the amount in controversy is \$0 to \$3,999.99	\$ 6.00
\$4,000 to \$8,000	\$ 8.00
All felony criminal cases	\$30.50
All Class 1 misdemeanors	\$20.50
All Class 2 misdemeanors (violation of state law)	\$11.50
All Class 2 misdemeanors (violation of county or municipal ordinance)	\$ 8.50
All violations of administrative rules with criminal penalties	\$ 8.50
All appeals, original actions or other actions filed with the Supreme Court	\$25.00

-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 \$30.00 surcharge assessed for all criminal convictions. Twenty 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 - FY2005

<u>RECEIPTS</u>	FIRST CIRCUIT	SECOND CIRCUIT	THIRD CIRCUIT	FOURTH CIRCUIT	FIFTH CIRCUIT	SIXTH CIRCUIT	SEVENTH CIRCUIT	STATE TOTAL
BONDS/UNDERTAKINGS/NO-INT TRUSTS	962,599	1,830,751	613,983	578,065	255,328	894,149	1,286,312	6,421,188
CITY FINES	127,393	775,752	186,109	37,603	62,188	23,854	230,046	1,442,944
CITY COSTS	910	3,408	250	587	0	0	4,353	9,508
CITY FORFEITURES	0	2,743	150	0	100	0	0	2,993
CITY PENALTIES	20	20,128	0	20	0	0	0	20,168
COUNTY FINES	11,228	522	5,932	92	30	30	474	18,307
COUNTY COSTS	90	0	0	115	0	0	10	215
COUNTY FORFEITURES	0	0	0	0	0	0	0	0
COUNTY PENALTIES	0	0	0	0	0	0	0	0
STATE FINES	1,713,936	1,373,392	1,389,244	1,172,260	1,034,694	674,978	1,252,720	8,611,223
STATE COSTS	101,360	90,571	85,809	90,511	50,057	37,017	88,461	543,786
STATE FORFEITURES	16,759	157,767	40,470	57,746	8,290	11,306	3,200	295,538
STATE PENALTIES	165,046	86,423	62,051	57,556	107,336	39,785	7,554	525,751
LIQUIDATED COSTS	634,030	1,069,865	588,734	318,412	406,939	270,473	690,427	3,978,879
COURT AUTOMATION FUND	437,995	572,051	1,123,974	190,511	316,885	277,562	361,500	3,280,477
VICTIM COMPENSATION - SURCHARGE	53,330	87,831	49,454	26,244	33,555	22,851	58,322	331,587
CASH FEES	150,157	275,431	140,571	66,436	102,271	58,165	153,753	946,784
DIVORCE FEES	18,525	36,250	19,400	14,300	11,450	8,150	29,325	137,400
LAW LIBRARY FEES	22,194	42,556	21,925	9,726	14,846	8,422	23,534	143,203
POSTAGE (SMALL CLAIMS)	28,900	52,536	26,422	10,548	16,359	10,127	34,853	179,745
PETTY OFFENSE	36,878	83,026	37,795	10,350	23,720	19,350	44,123	255,242
RESTITUTION	520,224	733,966	411,970	250,013	500,346	238,766	561,527	3,216,813
COURT APPOINTED ATTORNEY FEES *	142,891	377,338	283,665	201,942	197,484	146,066	275,401	1,624,787
NSF CHECK CHARGES	2,130	2,490	2,500	570	1,110	960	1,800	11,560
PASSPORT FEES	6,540	0	5,130	3,150	8,490	3,720	0	27,030
MARRIAGE FEES	7,420	40	5,180	820	3,280	2,060	860	19,660
DRUG TEST FEES	2,447	7,609	2,500	4,202	666	2,660	10,717	30,801
CHANGE OF VENUE	816	1,220	758	643	125	175	664	4,401
CHILD SUPPORT	537,419	556,386	633,771	304,708	212,124	211,175	568,779	3,024,363
CIVIL PASS THROUGH	282	3,639	8,068	2,045	14,251	21,475	6,186	55,946
ALIMONY	146,493	51,677	92,506	25,844	15,482	18,787	90,454	441,243
INTEREST-BEARING TRUST FUNDS	12,553	65,878	772	44,911	244,805	1,351	0	370,270
OTHER	16,678	17,392	23,127	10,240	12,360	6,753	24,865	111,414
TOTAL RECEIVED	\$5,877,242	\$8,378,638	\$5,862,221	\$3,490,173	\$3,654,571	\$3,010,165	\$5,810,219	\$36,083,228
<u>DISBURSEMENTS</u>								
BOND REFUNDS	708,553	1,958,488	519,867	688,271	402,905	877,076	974,121	6,129,282
REMITTED TO STATE	1,192,417	2,019,587	1,844,738	557,109	792,736	588,644	1,204,308	8,199,539
REMITTED TO CITY	83,728	522,513	121,318	25,042	40,487	15,505	153,883	962,476
REMITTED TO COUNTY	2,375,134	2,523,093	2,084,786	1,681,003	1,550,167	1,003,258	1,878,388	13,095,829
CHANGE OF VENUE	816	1,220	758	643	125	175	664	4,401
RESTITUTION	535,867	666,908	408,338	246,462	468,286	226,267	547,361	3,099,491
POSTAGE (SMALL CLAIMS)	28,900	52,536	26,422	10,548	16,359	10,127	34,853	179,745
CHILD SUPPORT	537,419	556,386	633,771	304,708	212,124	211,175	568,779	3,024,363
CIVIL PASS THROUGH	282	3,639	8,068	2,045	14,251	21,475	6,186	55,946
ALIMONY	146,493	51,677	92,506	25,844	15,482	18,787	90,454	441,243
INTEREST-BEARING TRUST FUNDS	10,000	5,267	0	44,911	182,100	172,443	0	414,720
OTHER	17,163	25,247	27,214	7,491	7,631	5,269	29,515	119,531
TOTAL DISBURSED	\$5,636,772	\$8,386,562	\$5,767,788	\$3,594,078	\$3,702,654	\$3,150,200	\$5,488,512	\$35,726,566

* 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

	FY2001	FY2002	FY2003	FY2004	FY2005
<u>RECEIPTS</u>					
POSTED BONDS	4,611,487	5,714,321	5,791,708	6,341,626	6,421,188
CITY FINES	1,504,656	1,251,778	1,216,693	1,285,960	1,442,944
CITY COSTS	9,877	9,946	8,933	9,635	9,508
CITY FORFEITURES	3,894	3,511	2,526	4,279	2,993
CITY PENALTIES	N/A	N/A	N/A	N/A	20,168
COUNTY FINES	25,168	35,853	29,484	24,837	18,307
COUNTY COSTS	N/A	N/A	N/A	N/A	215
COUNTY FORFEITURES	N/A	N/A	N/A	N/A	0
COUNTY PENALTIES	N/A	N/A	N/A	N/A	0
STATE FINES	10,279,526	10,330,806	10,165,078	9,640,913	8,611,223
STATE COSTS	446,191	424,248	496,010	492,415	543,786
STATE FORFEITURES	229,036	418,932	274,108	420,134	295,538
STATE PENALTIES	N/A	N/A	N/A	N/A	525,751
LIQUIDATED COSTS	3,613,373	3,609,915	3,436,731	3,631,973	3,978,879
COURT AUTOMATION FUND	2,192,848	2,240,394	2,335,340	2,588,337	3,280,477
VICTIM COMPENSATION - SURCHARGE	361,576	353,922	338,114	334,626	331,587
CASH FEES	937,234	909,643	913,008	913,381	946,784
DIVORCE FEES	141,390	137,290	136,220	127,075	137,400
LAW LIBRARY FEES	149,831	141,444	140,763	138,164	143,203
POSTAGE (SMALL CLAIMS)	127,538	158,510	178,295	180,248	179,745
PETTY OFFENSE	224,664	221,374	243,576	235,956	255,242
RESTITUTION	2,811,422	3,044,615	2,921,264	3,132,536	3,216,813
COURT APPOINTED ATTORNEY FEES *	1,174,022	1,159,909	1,315,988	1,466,305	1,624,787
NSF CHECK CHARGES	8,970	11,345	11,878	10,940	11,560
PASSPORT FEES	11,700	11,280	19,185	19,860	27,030
MARRIAGE FEES	23,100	21,340	21,660	20,960	19,660
DRUG TEST FEES	32,194	24,871	22,542	22,330	30,801
CHANGE OF VENUE	5,805	4,945	4,230	5,150	4,401
CHILD SUPPORT	7,578,700	5,911,698	4,928,851	3,860,185	3,024,363
CIVIL PASS THROUGH	79,898	111,812	52,244	52,686	55,946
ALIMONY	491,570	466,697	480,999	509,027	441,243
INTEREST-BEARING TRUST FUND	297,161	215,131	107,941	230,893	370,270
OTHER	87,260	56,732	138,129	97,063	111,414
<u>TOTAL RECEIVED</u>	\$37,460,089	\$37,002,260	\$35,731,497	\$35,797,493	\$36,083,228
<u>DISBURSEMENTS</u>					
BOND REFUNDS	4,227,093	5,033,140	6,205,742	6,171,755	6,129,282
REMITTED TO STATE	6,779,661	6,723,720	6,622,388	7,089,169	8,199,539
REMITTED TO CITY	990,433	825,883	801,425	851,078	962,476
REMITTED TO COUNTY	13,599,154	13,768,197	13,704,025	13,450,621	13,095,829
CHANGE OF VENUE	5,805	4,945	4,230	5,150	4,401
RESTITUTION	2,755,402	3,035,155	2,947,017	3,054,600	3,099,491
POSTAGE (SMALL CLAIMS)	127,538	158,510	178,295	180,248	179,745
CHILD SUPPORT **	7,578,700	5,911,698	4,928,851	3,860,185	3,024,363
CIVIL PASS THROUGH	79,898	111,812	52,244	52,686	55,946
ALIMONY	491,570	466,697	480,999	509,027	441,243
INTEREST-BEARING TRUST FUND	66,401	112,948	117,064	356,521	414,720
OTHER	84,503	60,836	126,381	77,955	119,531
<u>TOTAL DISBURSED</u>	\$36,786,158	\$36,213,539	\$36,168,660	\$35,658,994	\$35,726,566

* 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.

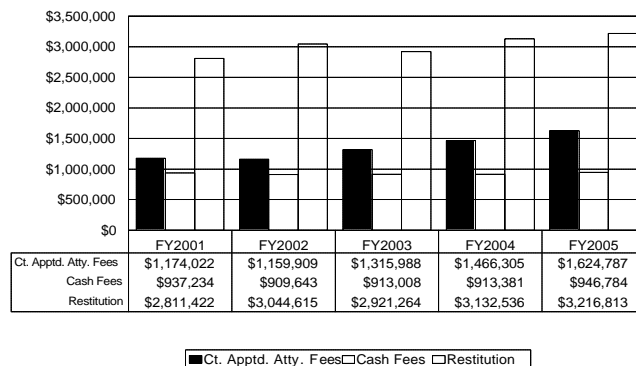
Cash fees is money paid by the public for services rendered by the court. Cash fees include such things as filing fees (the fee paid at the beginning of noncriminal court actions such as divorces or small claims actions), fees for providing certified transcripts of records, and fees paid for photocopying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

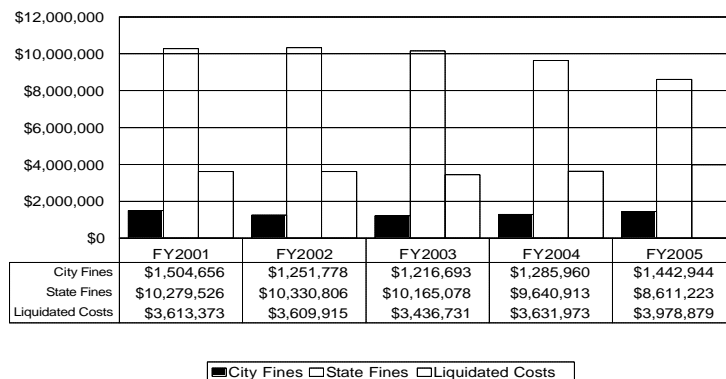
Chart 4, below, compares fines and liquidated costs collected for criminal cases over the last five years. **State fines** are fines assessed for violations of state laws and go to the school district of the county in which the violation occurred. **City fines** are fines assessed for violations of municipal 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. Approximately 63% 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 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.

Over the past five years city fines, state fines, and liquidated costs combined 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.

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 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. The county remittance over the past three years has declined slightly.

Chart 5. FY2005 UJS Selected Disbursements

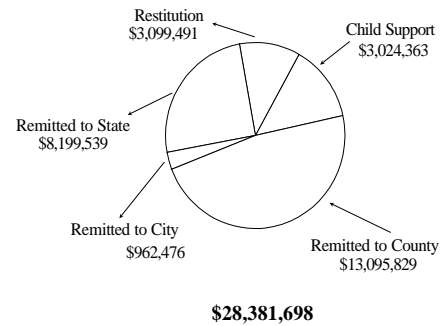


Chart 7. UJS Selected Revenue Disbursements

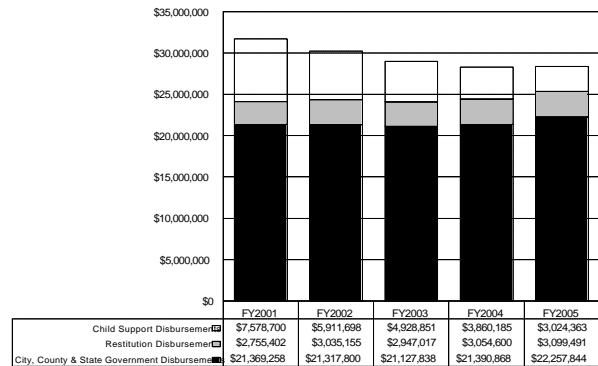


Chart 6. UJS Selected Disbursements Compared

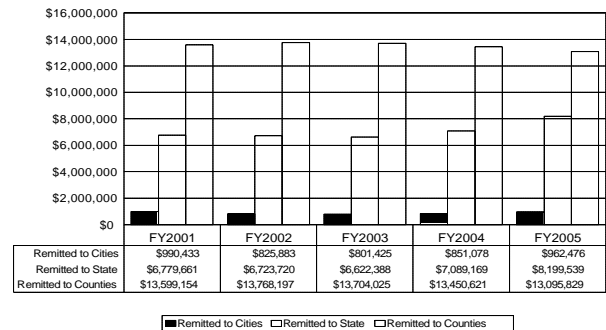


Table 8. COMPARISON OF STATE FINE RECEIPTS BY COUNTY AND CIRCUIT

COUNTIES:	FY2003	FY2004	FY2005	% Change FY03/FY05
1st CIRCUIT				
Aurora	\$39,045	\$38,014	\$36,631	-6.2%
Bon Homme	\$52,769	\$58,724	\$32,001	-39.4%
Brule	\$90,211	\$92,459	\$96,146	6.6%
Charles Mix	\$116,818	\$120,616	\$112,249	-3.9%
Clay	\$177,726	\$172,790	\$189,384	6.6%
Davison	\$319,087	\$306,604	\$394,097	23.5%
Douglas	\$19,124	\$23,985	\$22,134	15.7%
Hanson	\$40,747	\$30,166	\$32,185	-21.0%
Hutchinson	\$44,178	\$59,977	\$48,168	9.0%
McCook	\$45,687	\$62,464	\$53,961	18.1%
Turner	\$53,200	\$58,194	\$49,324	-7.3%
Union	\$570,808	\$485,945	\$388,482	-31.9%
Yankton	\$335,938	\$323,657	\$259,172	-22.9%
TOTAL	\$1,905,337	\$1,833,593	\$1,713,936	-10.0%
2nd CIRCUIT				
Lincoln	\$277,137	\$243,414	\$221,769	-20.0%
Minnehaha	\$1,393,868	\$1,338,672	\$1,151,623	-17.4%
TOTAL	\$1,671,005	\$1,582,086	\$1,373,392	-17.8%
3rd CIRCUIT				
Beadle	\$207,780	\$208,844	\$173,469	-16.5%
Brookings	\$400,851	\$398,394	\$379,291	-5.4%
Clark	\$43,226	\$51,421	\$32,063	-25.8%
Codington	\$316,937	\$283,832	\$265,518	-16.2%
Deuel	\$56,700	\$46,190	\$47,077	-17.0%
Grant	\$86,025	\$64,584	\$60,962	-29.1%
Hamlin	\$56,744	\$41,304	\$46,105	-18.7%
Hand	\$36,720	\$30,063	\$28,693	-21.9%
Jerauld	\$32,307	\$32,041	\$21,960	-32.0%
Kingbury	\$50,107	\$43,692	\$35,365	-29.4%
Lake	\$142,400	\$138,931	\$143,070	0.5%
Miner	\$25,325	\$16,204	\$21,311	-15.8%
Moody	\$128,787	\$156,844	\$99,515	-22.7%
Sanborn	\$24,589	\$30,267	\$34,846	41.7%
TOTAL	\$1,608,497	\$1,542,609	\$1,389,244	-13.6%

COUNTIES:	FY2003	FY2004	FY2005	% Change FY03/FY05
4th CIRCUIT				
Butte	\$95,977	\$83,171	\$85,314	-11.1%
Corson	\$20,959	\$9,532	\$8,411	-59.9%
Dewey	\$10,097	\$11,367	\$13,225	31.0%
Harding	\$4,744	\$9,900	\$9,082	91.5%
Lawrence	\$487,182	\$545,731	\$510,806	4.8%
Meade	\$746,388	\$596,866	\$502,866	-32.6%
Perkins	\$47,258	\$46,550	\$35,725	-24.4%
Ziebach	\$7,542	\$8,692	\$6,831	-9.4%
TOTAL	\$1,420,147	\$1,311,809	\$1,172,260	-17.5%
5th CIRCUIT				
Brown	\$382,796	\$456,823	\$417,568	9.1%
Campbell	\$39,651	\$55,146	\$11,234	-71.7%
Day	\$89,610	\$72,687	\$69,025	-23.0%
Edmunds	\$46,783	\$48,070	\$26,309	-43.8%
Faulk	\$30,798	\$31,180	\$12,121	-60.6%
Marshall	\$42,537	\$47,458	\$48,104	13.1%
McPherson	\$8,183	\$6,374	\$6,401	-21.8%
Roberts	\$297,824	\$274,864	\$303,308	1.8%
Spink	\$62,269	\$63,851	\$49,547	-20.4%
Walworth	\$177,965	\$155,213	\$91,076	-48.8%
TOTAL	\$1,178,416	\$1,211,665	\$1,034,694	-12.2%
6th CIRCUIT				
Bennett	\$49,785	\$52,692	\$37,243	-25.2%
Gregory	\$38,303	\$45,145	\$30,895	-19.3%
Haakon	\$26,407	\$35,080	\$9,897	-62.5%
Hughes	\$250,419	\$229,498	\$175,098	-30.1%
Hyde	\$19,879	\$32,281	\$26,729	34.5%
Jackson	\$85,009	\$55,379	\$61,061	-28.2%
Jones	\$27,789	\$29,716	\$17,028	-38.7%
Lyman	\$111,052	\$100,777	\$98,871	-11.0%
Mellette	\$19,842	\$15,005	\$55,060	177.5%
Potter	\$39,848	\$55,342	\$15,494	-61.1%
Stanley	\$76,026	\$49,088	\$49,300	-35.2%
Sully	\$38,558	\$40,206	\$29,592	-23.3%
Todd/Tripp	\$83,596	\$74,984	\$68,710	-17.8%
TOTAL	\$866,514	\$815,194	\$674,978	-22.1%
7th CIRCUIT				
Custer	\$95,091	\$91,853	\$79,188	-16.7%
Fall River/Shannon	\$160,437	\$137,653	\$117,631	-26.7%
Pennington	\$1,259,635	\$1,114,451	\$1,055,901	-16.2%
TOTAL	\$1,515,163	\$1,343,957	\$1,252,720	-17.3%

STATE TOTALS	FY2003	FY2004	FY2005	% CHANGE FROM FY03/FY05
	\$10,165,078	\$9,640,913	\$8,611,223	-15.3%

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 13% 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 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 - FY2005

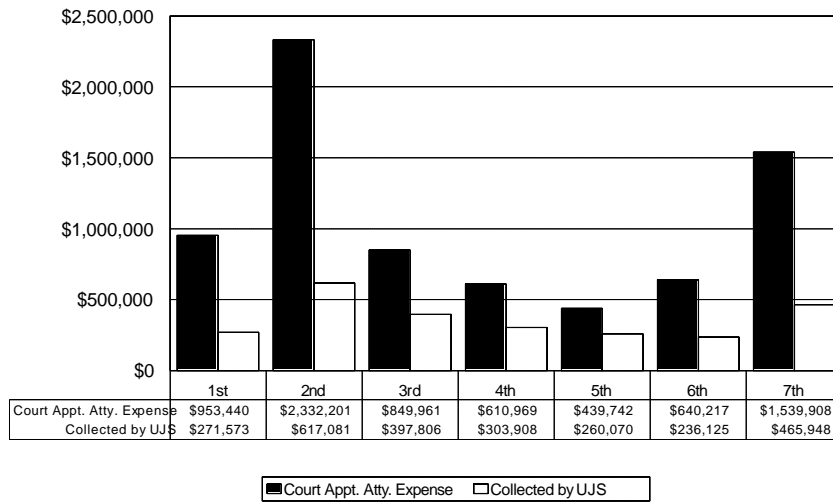
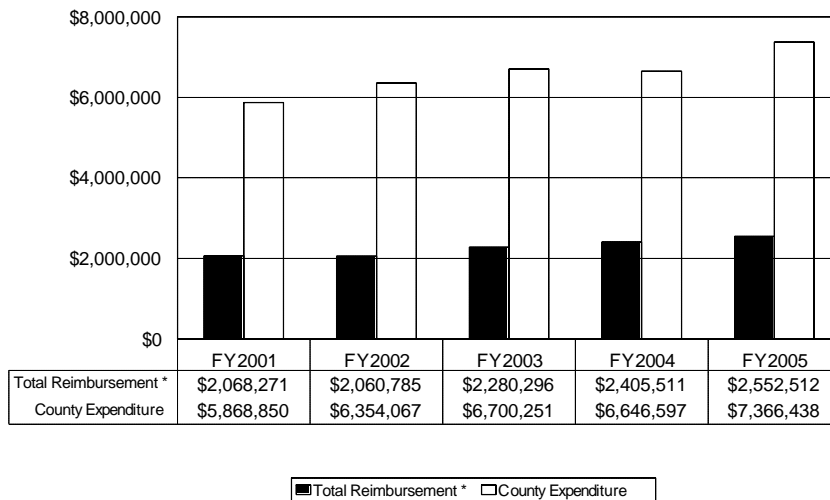


Chart 9. Court-Appointed Attorney Cost Payback by Fiscal Year



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

**Table 9. COUNTY EXPENDITURES AND REPAYMENT
FOR COURT-APPOINTED ATTORNEYS - FY2005**

Circuits and Counties	Total Paid By County	Allocated by Statute	Paid by Defendant *	Collected by UJS	Percent Paid
1st CIRCUIT					
Aurora	\$32,691	\$4,626	\$5,410	\$10,036	30.7%
Bon Homme	\$8,065	\$724	\$3,677	\$4,401	54.6%
Brule-Buffalo	\$31,231	\$2,803	\$5,156	\$7,959	25.5%
Charles Mix	\$174,258	\$45,480	\$16,331	\$61,811	35.5%
Clay	\$50,591	\$4,548	\$10,060	\$14,608	28.9%
Davison	\$213,345	\$20,256	\$2,838	\$23,094	10.8%
Douglas	\$7,714	\$692	\$7,371	\$8,063	104.5%
Hanson	\$56,475	\$5,560	\$6,344	\$11,903	21.1%
Hutchinson	\$26,623	\$4,370	\$13,232	\$17,603	66.1%
McCook	\$47,116	\$6,600	\$4,756	\$11,356	24.1%
Turner	\$65,129	\$7,565	\$1,273	\$8,838	13.6%
Union	\$119,486	\$10,972	\$29,708	\$40,680	34.0%
Yankton	\$120,716	\$14,486	\$36,734	\$51,221	42.4%
TOTAL	\$953,440	\$128,682	\$142,891	\$271,573	28.5%
2nd CIRCUIT					
Lincoln	\$135,934	\$19,893	\$20,258	\$40,152	29.5%
Minnehaha	\$2,196,267	\$219,850	\$357,079	\$576,929	26.3%
TOTAL	\$2,332,201	\$239,743	\$377,338	\$617,081	26.5%
3rd CIRCUIT					
Beadle	\$125,431	\$25,446	\$52,543	\$77,989	62.2%
Brookings	\$147,400	\$20,171	\$74,929	\$95,100	64.5%
Clark	\$36,048	\$3,235	\$2,889	\$6,124	17.0%
Codington	\$252,981	\$23,353	\$60,927	\$84,279	33.3%
Deuel	\$24,208	\$2,267	\$7,783	\$10,051	41.5%
Grant	\$50,958	\$9,260	\$10,196	\$19,455	38.2%
Hamlin	\$28,834	\$2,588	\$7,824	\$10,411	36.1%
Hand	\$22,113	\$2,355	\$6,533	\$8,888	40.2%
Jerauld	\$8,328	\$747	\$5,124	\$5,872	70.5%
Kingsbury	\$15,733	\$1,412	\$8,854	\$10,266	65.3%
Lake	\$57,276	\$6,955	\$15,625	\$22,579	39.4%
Miner	\$9,986	\$4,703	\$2,509	\$7,212	72.2%
Moody	\$49,220	\$9,318	\$23,704	\$33,022	67.1%
Sanborn	\$21,445	\$2,332	\$4,228	\$6,560	30.6%
TOTAL	\$849,961	\$114,141	\$283,665	\$397,806	46.8%
4th CIRCUIT					
Butte	\$150,149	\$31,519	\$25,219	\$56,738	37.8%
Corson	\$5,231	\$1,005	\$7,435	\$8,440	161.3%
Dewey	\$1,774	\$159	\$895	\$1,055	59.4%
Harding	\$9,690	\$1,210	\$3,852	\$5,063	52.2%
Lawrence	\$257,803	\$45,514	\$86,392	\$131,907	51.2%
Meade	\$163,753	\$20,216	\$66,418	\$86,634	52.9%
Perkins	\$21,103	\$2,211	\$10,951	\$13,162	62.4%
Ziebach	\$1,465	\$131	\$779	\$911	62.2%
TOTAL	\$610,969	\$101,966	\$201,942	\$303,908	49.7%
5th CIRCUIT					
Brown	\$174,534	\$33,289	\$111,921	\$145,210	83.2%
Campbell	\$9,914	\$3,160	\$2,277	\$5,438	54.8%
Day	\$43,400	\$3,895	\$11,043	\$14,937	34.4%
Edmunds	\$7,707	\$692	\$3,177	\$3,869	50.2%
Faulk	\$3,039	\$273	\$2,696	\$2,969	97.7%
Marshall	\$37,226	\$3,341	\$16,743	\$20,084	54.0%
McPherson	\$0	\$0	\$550	\$550	0.0%
Roberts	\$113,429	\$10,388	\$22,194	\$32,582	28.7%
Spink	\$10,705	\$961	\$6,895	\$7,855	73.4%
Walworth	\$39,790	\$6,589	\$19,987	\$26,576	66.8%
TOTAL	\$439,742	\$62,586	\$197,484	\$260,070	59.1%
6th CIRCUIT					
Bennett	\$67,662	\$9,838	\$20,043	\$29,882	44.2%
Gregory	\$47,546	\$6,493	\$10,171	\$16,665	35.0%
Haakon	\$2,945	\$264	\$2,271	\$2,535	86.1%
Hughes	\$204,955	\$20,348	\$33,521	\$53,869	26.3%
Hyde	\$26,291	\$2,359	\$1,159	\$3,518	13.4%
Jackson	\$16,480	\$1,479	\$4,453	\$5,932	36.0%
Jones	\$8,581	\$2,311	\$6,549	\$8,861	103.3%
Lyman	\$60,210	\$9,353	\$18,916	\$28,269	46.9%
Mellette	\$71,752	\$14,940	\$7,639	\$22,579	31.5%
Potter	\$5,640	\$506	\$3,763	\$4,269	75.7%
Stanley	\$28,706	\$2,576	\$15,930	\$18,506	64.5%
Sully	\$3,445	\$309	\$2,374	\$2,683	77.9%
Todd/Tripp	\$96,003	\$19,282	\$19,275	\$38,557	40.2%
TOTAL	\$640,217	\$90,060	\$146,066	\$236,125	36.9%
7th CIRCUIT					
Custer	\$78,594	\$8,767	\$21,936	\$30,703	39.1%
Fall River/Shannon	\$137,287	\$15,315	\$37,289	\$52,604	38.3%
Pennington	\$1,324,027	\$166,465	\$216,176	\$382,642	28.9%
TOTAL	\$1,539,908	\$190,548	\$275,401	\$465,948	30.3%

STATE TOTALS	Total Paid By County	Allocated by Statute	Paid by Defendant *	Collected by UJS	Percent Paid
TOTALS	\$7,366,438	\$927,726	\$1,624,787	\$2,552,512	34.7%

* 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 - FY2005

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	\$32,691	11	58	\$2,972	19.0%
Bon Homme	\$8,065	36	102	\$224	35.3%
Brule-Buffalo	\$31,231	75	232	\$416	32.3%
Charles Mix	\$174,258	289	543	\$603	53.2%
Clay	\$50,591	56	432	\$903	13.0%
Davison	\$213,345	409	877	\$522	46.6%
Douglas	\$7,714	9	26	\$857	34.6%
Hanson	\$56,475	22	71	\$2,567	31.0%
Hutchinson	\$26,623	21	72	\$1,268	29.2%
McCook	\$47,116	24	96	\$1,963	25.0%
Turner	\$65,129	40	105	\$1,628	38.1%
Union	\$119,486	151	712	\$791	21.2%
Yankton	\$120,716	220	801	\$549	27.5%
TOTAL	\$953,440	1,363	4,127	\$700	33.0%
2nd CIRCUIT					
Lincoln	\$135,934	184	623	\$739	29.5%
Minnehaha	\$2,196,267	3,785	7,073	\$580	53.5%
TOTAL	\$2,332,201	3,969	7,696	\$1,319	51.6%
3rd CIRCUIT					
Beadle	\$125,431	182	434	\$689	41.9%
Brookings	\$147,400	194	905	\$760	21.4%
Clark	\$36,048	20	59	\$1,802	33.9%
Codington	\$252,981	224	776	\$1,129	28.9%
Deuel	\$24,208	23	62	\$1,053	37.1%
Grant	\$50,958	46	122	\$1,108	37.7%
Hamlin	\$28,834	24	78	\$1,201	30.8%
Hand	\$22,113	0	46	\$0	0.0%
Jerauld	\$8,328	10	28	\$833	35.7%
Kingsbury	\$15,733	18	69	\$874	26.1%
Lake	\$57,276	125	409	\$458	30.6%
Miner	\$9,986	20	35	\$499	57.1%
Moody	\$49,220	45	198	\$1,094	22.7%
Sanborn	\$21,445	10	39	\$2,145	25.6%
TOTAL	\$849,961	941	3,260	\$903	28.9%

STATE TOTALS	Total Paid By County	Appoint-ments	Misd. 1 & Felony Dispos'n	Avg. Pmt. Per Appt. *	Appts. as % of Dispos'n
	\$7,366,438	11,414	28,562	\$645	40.0%

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	\$150,149	128	285	\$1,173	44.9%
Corson	\$5,231	5	19	\$1,046	26.3%
Dewey	\$1,774	9	24	\$197	37.5%
Harding	\$9,690	13	24	\$745	54.2%
Lawrence	\$257,803	453	1,420	\$569	31.9%
Meade	\$163,753	334	1,147	\$490	29.1%
Perkins	\$21,103	27	91	\$782	29.7%
Ziebach	\$1,465	1	11	\$1,465	9.1%
TOTAL	\$610,969	970	3,021	\$630	32.1%
5th CIRCUIT					
Brown	\$174,534	379	1,191	\$461	31.8%
Campbell	\$9,914	10	23	\$991	43.5%
Day	\$43,400	51	148	\$851	34.5%
Edmunds	\$7,707	11	52	\$701	21.2%
Faulk	\$3,039	29	94	\$105	30.9%
Marshall	\$37,226	0	11	\$0	0.0%
McPherson	\$0	249	614	\$0	40.6%
Roberts	\$113,429	118	353	\$961	33.4%
Spink	\$10,705	4	27	\$2,676	14.8%
Walworth	\$39,790	23	117	\$1,730	19.7%
TOTAL	\$439,742	874	2,630	\$503	33.2%
6th CIRCUIT					
Bennett	\$67,662	108	211	\$627	51.2%
Gregory	\$47,546	33	130	\$1,441	25.4%
Haakon	\$2,945	11	22	\$268	50.0%
Hughes	\$204,955	375	735	\$547	51.0%
Hyde	\$26,291	4	24	\$6,573	16.7%
Jackson	\$16,480	17	59	\$969	28.8%
Jones	\$8,581	13	31	\$660	15.7%
Lyman	\$60,210	36	83	\$1,673	48.6%
Mellette	\$71,752	43	74	\$1,669	122.9%
Potter	\$5,640	12	35	\$470	14.8%
Stanley	\$28,706	34	81	\$844	136.0%
Sully	\$3,445	9	25	\$383	4.0%
Todd/Tripp	\$96,003	102	225	\$941	45.3%
TOTAL	\$640,217	797	1,735	\$803	45.9%
7th CIRCUIT					
Custer	\$78,594	20	205	\$3,930	9.8%
Fall River/Shannon	\$137,287	148	353	\$928	41.9%
Pennington	\$1,324,027	2,332	5,535	\$568	42.1%
TOTAL	\$1,539,908	2,500	6,093	\$616	41.0%

* Does not include county reimbursements which substantially lowers the average payment per appointment to \$422 per case.
 (\$7,366,438-\$2,552,512 = \$4,813,926/11,414 = \$422)

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. FY2005 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.	7,688	Erickson	4,971	Anderson	4,786
Anderson, L.	7,050	Gienapp	6,551	Gors	6,274
Cody	6,012	Pierce	8,970	Smith	17,151
Eng	5,394	Roehr	5,895	Trandahl	9,445
Jensen	2,215	Steele	5,856	Wilbur	11,602
Kiner	4,410	Timm	4,707	TOTAL	49,258
McMurchie	8,822	Tucker	6,419		
Miller	11,004	TOTAL	43,369		
Rusch	5,755			<u>Seventh Circuit:</u>	
TOTAL	58,350			Davis	1,620
		<u>Fourth Circuit:</u>		Fuller	0
		Bastian	8,254	Kern	536
		Eckrich	3,049	O'Connor	1,306
		Johns	4,238	Pahlke	4,080
		Johnson	5,797	Delaney	240
		Macy	2,640	Severns	2,460
		TOTAL	23,978	Tice	90
				Trimble	0
		<u>Fifth Circuit:</u>		TOTAL	10,332
		Flemmer	10,931		
		Lovrien	6,923		
		Myren	12,892		
		Portra	10,308		
		Von Wald	13,644		
		TOTAL	54,698		
				STATE TOTAL	250,897

**Table 12. FY2005 MILEAGE BY COURT SERVICES PERSONNEL
FOR OFFICIAL FUNCTIONS**

Officer	Mileage	Officer	Mileage	Officer	Mileage
First Circuit:		Third Circuit:		Sixth Circuit:	
Berndt	8,030	Butler	5,035	Brozik	8,807
Dringman	2,593	Kjellsen	7,817	Edson	11,880
Foltz	2,174	Mielke	600	Christensen	5,250
Freeman	5,900	Moen	4,255	Connot	17,838
Frieberg	3,584	Nihart	2,550	Lake	13,562
Gregg (Intensive)	12,080	Ramlo	3,522	McKittrick	3,439
Gropper (Intensive)	3,037	Schneider	3,598	Petersen	7,765
Hofer (Intensive)	16,933	Tappe	9,795	TOTAL	68,541
Ibis	3,850	Ramynke	1,515		
Lindner	8,755	Wheelborg (Intensive)	4,620	Seventh Circuit:	
Max	2,551	TOTAL	43,307	Battista	157
McNeely	1,399			Dansby	725
Mudder	14,989	Fourth Circuit:		Drew	772
Nelsen	4,244	Baloun	5,963	Fischer	945
Pepper (Intensive)	22,050	Bickerdyke	105	Gordon (Intensive)	0
Priebe	16,964	Burg (Intensive)	15,950	Horner	997
Sudbeck	2,480	Coacher	2134	Mann (Intensive)	302
TOTAL	131,613	Eiseman	591	McMeekin	1,785
		Frederickson	375	Mitchell (Intensive)	706
Second Circuit:		Jacobson	807	Oestreich	0
Adler	957	Nedved	3,049	Osborne	0
Ahrendt	1,503	Pisciotta	315	Peterson	924
Aman (Intensive)	12,149	TOTAL	29,289	Richter	178
Berthelson	1,667			Sayler	4,072
Gravett	3,985	Fifth Circuit:		Stephens	2,234
Hall	3,342	Archer	7,356	Veneklasen	262
Hansen	634	Hansen	8,710	Wright (Intensive)	0
Hoffmann	675	Ingemansen (Intensive)	7,341	TOTAL	14,059
Kary	744	Rau	1,894		
Kaufman	2,352	Rice (Intensive)	5,023		
LeMair	840	Simons	10,004		
Lillestol (Intensive)	9,839	Hare	5,620		
Rockafellow	1,842	Sutherland	3,546		
Smith	1,472	Waldrop (Intensive)	6,120		
Trove	2,515	TOTAL	55,614		
Tveidt	490				
Weber	3,044				
Weisenberger	524				
Willis	4,108				
Wolfgang	1,216				
TOTAL	53,898			STATE TOTAL	396,321

Chart 10. FY2005 Mileage Comparison by Circuit

