

South Dakota Courts
State Fiscal Year 2021
Annual Statistical Report of the
South Dakota Unified Judicial System

Chief Justice

Steven R. Jensen

State Court Administrator

Gregory Sattizahn

October 2021



South Dakota Unified Judicial System

Our mission:
Justice for All

Our vision:
We are stewards of an open, effective, and accessible court system, worthy of the public's trust and confidence.

Members of the South Dakota Supreme Court in 2021



Justices of the Supreme Court, left to right: Hon. Patricia J. DeVaney, Pierre, Third District; Hon. Janine M. Kern, Rapid City, First District; Hon. Steven R. Jensen, Chief Justice, Dakota Dunes, Fourth District; Hon. Mark E. Salter, Sioux Falls, Second District; and Hon. Scott P. Myren, Aberdeen, Fifth District.



State of South Dakota
Unified Judicial System
Office of the State Court Administrator



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October 2021

Dear Friends:

It is my pleasure to present this Annual Report which highlights the workload and other activities undertaken by the Unified Judicial System from July 1, 2020 through June 30, 2021. This information is compiled and maintained by the State Court Administrator's Office and encompasses the work of South Dakota's Supreme Court, Circuit Courts, Magistrate Courts and the State Court Administrator's Office.

The statistics presented in this Annual Report would not be possible without the contributions of all our judicial personnel and the vital component they play in the process of reporting quality data. Should information you seek about the courts not be found in this Report nor on our website, please contact us.

Sincerely,

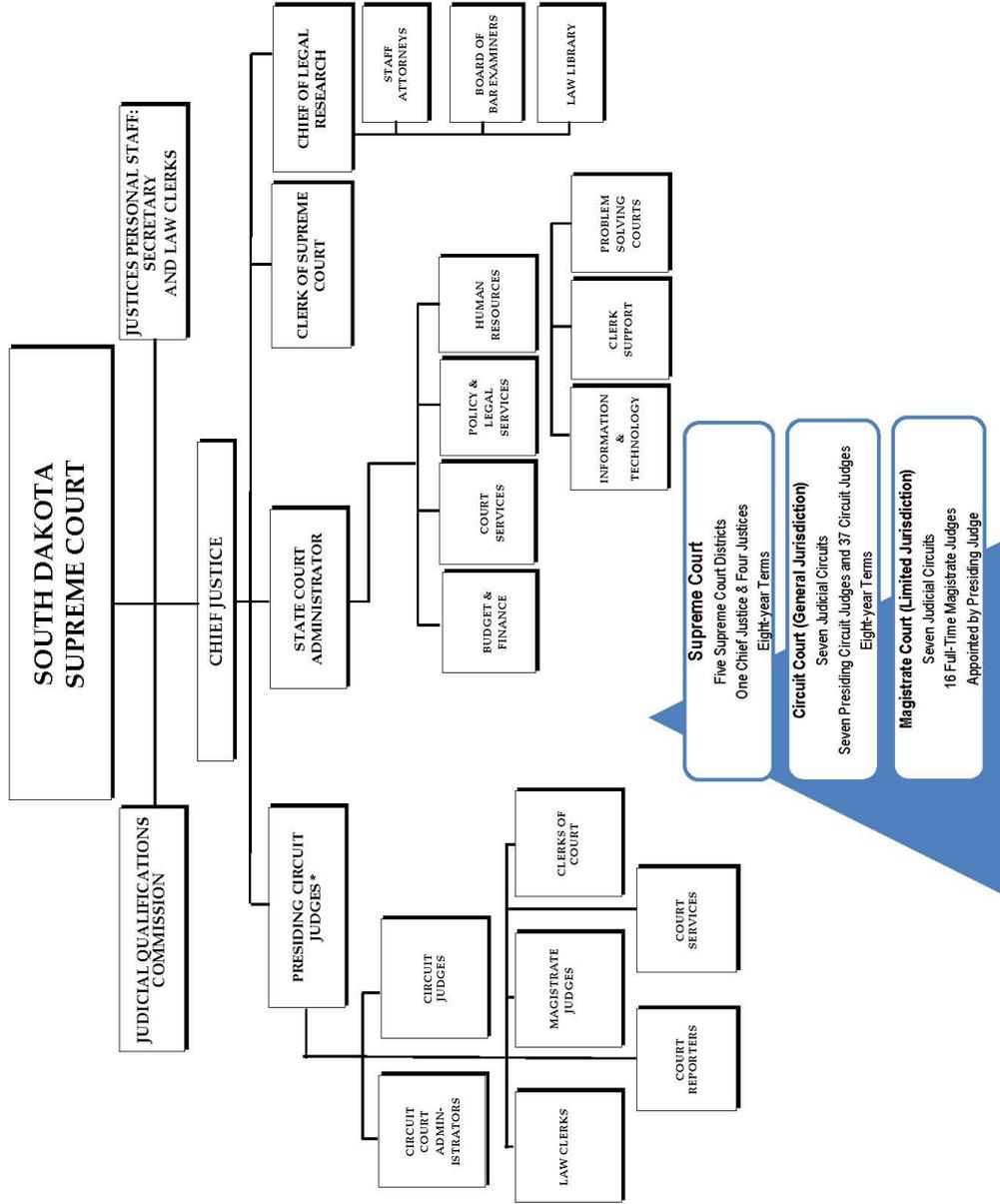
Gregory Sattizahn
State Court Administrator

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South Dakota Unified Judicial System Organizational Chart



* One presiding judge per circuit.

Justice in the Balance: Courts Work for South Dakotans

There is much more to the work of the courts than the occasional high-profile case that attracts public attention. The bulk of our work involves everyday problems that affect South Dakotans.

<p>Abused and Neglected Children</p> <p>Our courts play a life-altering role in the lives of abused and neglected children. They decide whether to:</p> <ul style="list-style-type: none"> • Remove a child from a parent • Place a child in foster care • Reunite a child and parent or terminate parental rights • Allow adoption of a child <p>There is no greater responsibility of the judiciary than determining the best interest of a South Dakota child. In FY2021, South Dakota’s courts presided over 537 Juvenile Abuse and Neglect cases.</p>	<p>Victims Seeking Protection</p> <p>By issuing no-contact and protective orders, South Dakota’s courts help shield victims of violence, abuse, and harassment from further harm. The majority of these are handled by parties representing themselves (without help from lawyers). In FY2021, South Dakota judges processed:</p> <ul style="list-style-type: none"> • 3,853 petitions for protection orders which included: <ul style="list-style-type: none"> ○ 2,216 domestic actions ○ 1,637 stalking actions <p>Clerk of Court offices then notify local law enforcement officials and the Department of Public Safety of every order.</p>
<p>Troubled Youth</p> <p>South Dakota’s court services officers, staff, and judges continuously work with thousands of troubled youth and their families to:</p> <ul style="list-style-type: none"> • Ensure community safety • Hold young people accountable for their actions, including paying restitution to victims • Influence behavioral changes • Provide resources to assist families <p>During FY2021, CSOs worked with 367 youth to address their conduct without formal delinquency or CHINS petitions being filed. They also supervised 1,039 youth on formal probation and supervised another 66 juveniles via case service monitoring. In totality, the court handled:</p> <ul style="list-style-type: none"> • 3,911 juvenile delinquency and CHINS cases 	<p>Families in Turmoil</p> <p>The problems of families in crisis demand a significant amount of court time and resources. In FY2021, South Dakota’s courts handled:</p> <ul style="list-style-type: none"> • 3,950 divorce cases • 4,862 child support modification and foreign child support cases • 5,303 mental health and drug and alcohol commitment cases • 1,630 adoption, guardianship, trust and termination of parental rights cases. <p>To assist these families, the UJS provides self-represented litigants with UJS approved forms, which include divorce and parenting time implementation and enforcement forms.</p>

Justice in the Balance: Courts Work for South Dakotans (Cont.)

<p>Civil Justice</p> <p>South Dakotans from every walk of life, whether in their private or business relationships, rely on the courts to resolve their civil legal problems. Providing a forum for the effective resolution of these disputes is an essential part of the mission of the courts. In FY2021, our courts handled:</p> <ul style="list-style-type: none"> • 25,692 small claims cases • 12,099 contract cases, liability and malpractice cases, employment issues, law and equity matters, and tort claims • 2,843 probate cases • 178 judicial review of agency action cases and expungement filings <p>Civil cases can take anywhere from months to years before they are resolved, depending on a variety of factors. As a result, the courts experience an overlap in civil cases from year to year.</p> <p>The clerks of court offices are responsible for case processing and ensuring a sufficient pool of jurors are available for any trials.</p>	<p>Criminal Justice</p> <p>Criminal cases dominate court time and resources. South Dakota’s judges and court staff spend more time on criminal cases than on any other type of case. During FY2021, our courts heard:</p> <ul style="list-style-type: none"> • 13,380 felony and extradited cases • 19,118 aggravated or serious misdemeanor cases, of which 47.4% (9,059) were 1st and 2nd offense (Class 1 Misdemeanor) DUI cases • 27,487 contested Class 2 misdemeanor cases. • 69,901 non-contested Class 2 misdemeanor matters were processed by clerks of court <p>In addition, court services officers formally supervised 9,380 cases in felony matters, 340 cases on misdemeanor matters, plus informally supervised another 208 cases via case service monitoring.</p>
<p>Collection of Money</p> <p>While the court system does not generate revenue for its own sustainability, it is responsible for taking in and distributing fines, fees, penalties, and costs owed to victims, cities, counties, school districts, and the state. In FY2021, clerks of court receipted (along with other amounts) the following:</p> <ul style="list-style-type: none"> • \$2,964,232 for victims of crime • \$8,304,492 for school districts • \$77,970 for local domestic abuse programs • \$246,903 for advocates and attorneys for abused and neglected children • \$2,071,433 for court appointed attorneys, public defenders, and other legal aid • \$431,649 for municipal general funds • \$3,656,966 for county general funds • \$269,583 for other state funds • \$6,654,278 for court automation • \$3,374,338 for law enforcement officer and judicial education and training 	<p>Case History Information and Other Services</p> <p>South Dakota’s employers, landlords, media, and the public rely on our clerks of court for accurate information about criminal defendants, sentencing histories, and money owed on judgments. In FY2021, there were 247,954 record search requests, 5,089 search warrants and 25,692 small claims filings processed.</p> <p>In addition, the circuit clerks of court handled:</p> <ul style="list-style-type: none"> • 378 passport applications • 347 weddings <p>The Clerk of the Supreme Court processed:</p> <ul style="list-style-type: none"> • 242 appeals • 36 intermediate appeals • 34 original proceedings • 1,200 orders, writs, and judgments <p>The Board of Bar Examiners processed 136 applications from those seeking admission to practice law in South Dakota.</p>

SUPREME COURT

The South Dakota Supreme Court is the state's highest court and the court of last resort for state appellate actions. The Supreme Court is comprised of the chief justice, who is the administrative head of the Unified Judicial System, and four justices who are entrusted to deliver the final judicial authority on all matters involving the legal and judicial system of South Dakota.

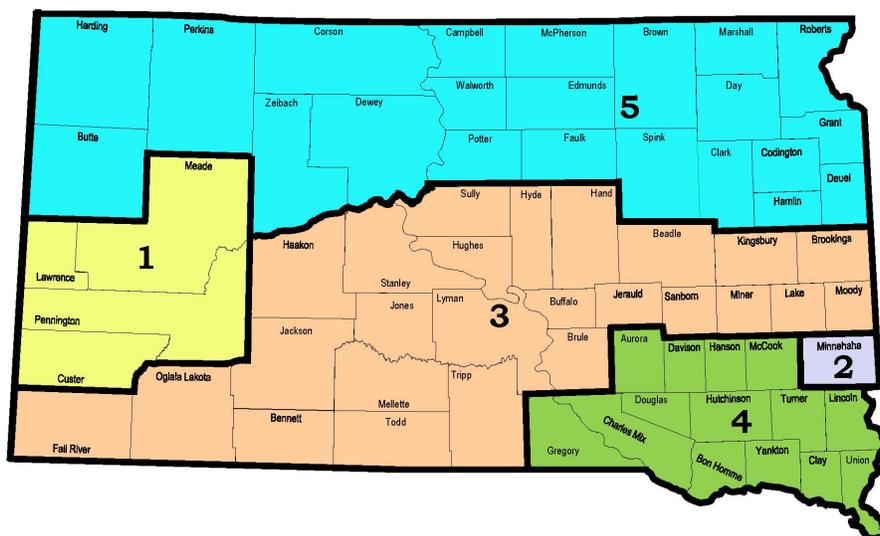
Chief Justice and Four Justices

Duties and Responsibilities of the Supreme Court include:

- Original jurisdiction in cases involving interests of the state;
- Issues original and remedial writs;
- Renders advisory opinions to Governor on issues involving executive power;
- Appellate jurisdiction over circuit court decisions;
- Rule-making authority over court practice and procedure;
- Administrative leadership for the legal and judicial system; and
- Controls admissions to and disciplines members of the State Bar.

Pursuant to a 1980 constitutional amendment, Supreme Court justices are appointed by the Governor from a list of nominees selected by the Judicial Qualifications Commission. All who sit on the Supreme Court must be licensed to practice law in the state and permanent justices must be voting residents of the district from which they are appointed at the time they take office (Map below).

South Dakota Supreme Court Districts



Supreme Court Workload

The workload of the Supreme Court is shown below and on the following page. The categories noted are those most commonly used within the Supreme Court.

“Intermediate Appeals” are appeals made during the progress of a case in circuit court. Intermediate appeals are accepted at the discretion of the Supreme Court.

“Notice of Review” is filed by an appellee (party against whom an appeal is taken) seeking review of a judgment or order entered in the same action from which an appeal has been taken. A notice of review is a separate filing but not a separate disposition since it is disposed of as part of the original appeal.

“Certificates of Probable Cause” are required before an appeal can be brought in a habeas corpus case.

“Summary Dispositions” are appeals that have been summarily affirmed or reversed on established grounds set forth in SDCL §15-26A-87.1. In these proceedings the Court, on its own motion, may affirm or reverse the judgment or order from which the appeal is taken. The Court must be unanimous in its decision to render a summary disposition, and the decision is set out in an order or memorandum opinion. The term “expedited appeal” is sometimes used because it usually takes less time to process appeals under this rule.

“Pending Cases” are cases which have been filed with the Court but in which no decision has been entered.

“Administrative, Judicial, Legal Research, Law Library and Bar Admissions” are all part of the workload within the Supreme Court.

Chart 1. Supreme Court Caseload Comparison by Fiscal Year

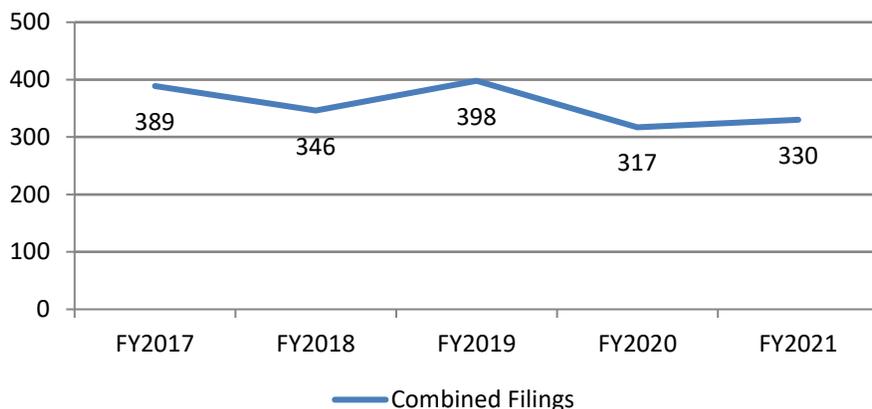


Table 1. SUPREME COURT CASELOAD COMPARED BY FISCAL YEAR

Fiscal Year:	FY2017	FY2018	FY2019	FY2020	FY2021
FILINGS:					
Appeals	271	244	276	244	242
Intermediate Appeals	29	25	31	24	36
Original Proceedings	66	56	60	31	34
Notice of Review	13	11	17	10	6
Certificates of Probable Cause	10	10	12	8	12
Reinstatements	0	0	2	0	0
Rehearings Granted	0	0	0	0	0
COMBINED FILINGS	389	346	398	317	330
DISPOSITIONS:					
Appeals / Original Proceedings	97/149	103/126	69/86	78/90	80/89
Orders of Dismissal/Dispositional Remands	97	96	102	108	98
Denial of Intermediate Appeals	20	21	23	18	22
Original Proceedings (by Order)	60	46	41	32	20
Dispositive Remand	1	2	1	0	0
Summary Dispositions	109	84	70	89	80
COMBINED DISPOSITIONS	436	375	324	337	309
PENDING CASES:					
Submitted and Pending	28	20	40	44	51
Ready for Submission	32	41	46	42	22
Not Ready for Calendar	107	80	95	88	89
Other (in Suspense)	4	6	3	5	5
TOTAL PENDING CASES AT YEAR-END	171	147	184	179	167
ADMINISTRATIVE:					
Hearings on Rules and Related Matters	3	2	2	2	3
Internal Procedure Rules Adopted or Amended	4	1	3	2	3
Supreme Court Rules Adopted or Amended	7	22	15	6	9
Administrative Conferences	21	21	22	25	24
JUDICIAL:					
Orders, Writs and Judgments Entered	1145	1130	1200	1180	1200
Bar Admissions (includes reciprocity)	91	106	108	92	95
Bar Admissions (pursuant to SDCL 16-18-2)	15	15	14	15	10
Oral Arguments (Actions/Submission)	26/36	22/29	30/36	35/51	34/41
Cases Submitted on Briefs	160/192	132/144	117/133	114/122	104/112
Case Conference Days	18	17	20	23	24
LEGAL RESEARCH:					
Appeals Screened	389	346	398	317	330
Cases That Briefs Were Received In	238	190	195	173	185
Per Curiams Assigned	31	30	24	23	29
BAR ADMISSIONS:					
Applications Processed	164	188	174	122	136
Bar Inquiries Answered	1425	1475	1450	1450	1450

JUDICIAL QUALIFICATIONS COMMISSION

The authority for creation of the Judicial Qualifications Commission is granted by the South Dakota Constitution.

The seven-member commission is comprised of two circuit court judges, elected by the judicial conference; three members of the bar practicing law but no more than two of whom may be of the same political party and who must be appointed by a majority vote of the state bar commissioners; and two citizens, who are appointed by the Governor and who are not of the same political party. The term of office for a commission member is four years. No person may serve more than two terms as a member of the commission. The purpose of the Judicial Qualifications Commission is to:

- ◆ Receive and investigate complaints against justices or judges;
- ◆ Conduct confidential hearings to determine whether complaints are justified;
- ◆ Recommend censure, removal or retirement of a judge to the Supreme Court;
- ◆ Investigate applicants for vacancies on the Supreme Court or circuit court bench; and
- ◆ Nominate two or more of the most qualified applicants to the Governor.

Chart 2. JQC Complaints Received by Fiscal Year

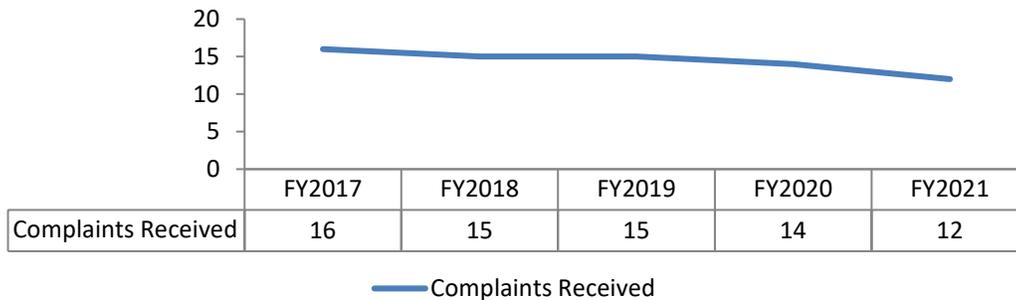


Chart 3. JQC Investigations of Applicants by Fiscal Year

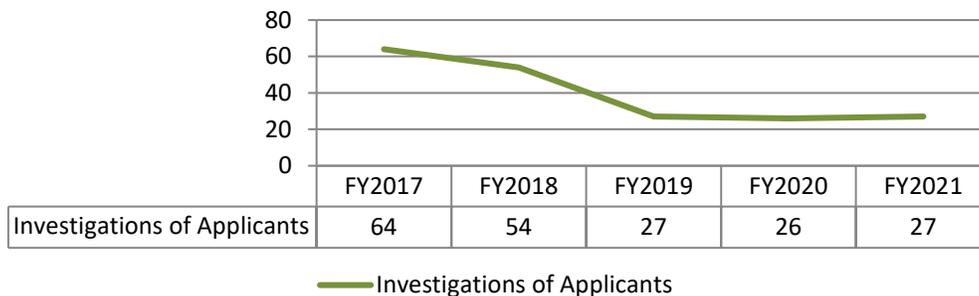


Chart 2. Judicial Qualifications Commission
Complaints Received and Dispositions

	FY2017	FY2018	FY2019	FY2020	FY2021
Written Complaints Received ¹	16	15	15	14	12
Complaints Disposed of ²	16	15	12	11	10
Type of Cases:					
Prisoner Complaints (Includes Habeas Corpus)	3	1	3	2	0
Divorce/Child Custody/Child Support Issues	4	5	2	2	5
Protection Order Cases	1	1	2	1	0
Civil Trial Issues (Includes Decisions)	0	1	2	2	0
Criminal Trial Issues (Includes Sentencing)	7	2	4	5	5
Personal Conduct	0	1	1	0	0
Small Claims	1	2	2	2	2
Guardianship/Conservatorship	0	0	1	0	0
Other	0	1	0	0	0
Nature of Claims in Complaints:					
Inappropriate Conduct/Abuse of Position	5	4	1	5	2
On Bench Abuse of Authority	4	2	3	0	1
Lack of Demeanor/Decorum	0	0	0	0	0
Bias/Appearance of Bias	6	4	3	5	2
Unhappy with Result	8	8	10	7	7
Commission Dispositions:					
1. Dismissal due to:					
a. Insufficient Evidence to Proceed (Unsigned Complaint and/or Complainant Uncooperative)	0	0	1	0	0
b. Lack of Jurisdiction ³	0	0	0	0	0
c. Resigned Due to JQC Investigation	0	0	0	0	0
d. Unsubstantiated	3	0	0	0	0
e. No Violation Found	12	14	13	11	9
2. Private Reprimand	0	1	0	0	1
3. Deferred Disciplinary Agreement	1	0	0	0	0
4. Public Censure	0	0	0	0	0
5. Recommendation for Suspension	0	0	0	0	0
6. Recommendation for Removal/Retirement	0	0	0	0	0
JQC Applicants:					
Judicial Vacancies	8	8	6	5	4
Applicant Interviews	64	54	26	26	27
Investigation of Applicants	64	54	27	26	27

¹Written Complaints Received, Type of Cases and Nature of Claims in Complaints reflect complaints received in that fiscal year.

²Complaints Disposed of and Commission Dispositions reflect some complaints received in that fiscal year but not disposed of until the following fiscal year and some complaints that were both received and disposed of in this fiscal year.

³JQC does not have the authority to direct a judge to take legal action or to review a case for judicial error, mistake or other legal grounds. Those functions are for the State Supreme Court. Therefore, allegations stemming from a judge's ruling or exercise of discretion do not provide a basis (jurisdiction) for JQC action.

STATE COURT ADMINISTRATOR'S OFFICE

Under supervision of the Chief Justice, who is the administrative head of the Unified Judicial System, the State Court Administrator is the non-judicial officer who implements the rules and policies of the Supreme Court as they apply to the operations and administration of the courts. The State Court Administrator serves as the liaison between the judicial branch and the other branches of state and local government. To ensure efficient and responsive operation, the State Court Administrator's Office (SCAO) provides centralized administrative assistance and support services to the entire Unified Judicial System.

The following is a brief summary of the functions of the SCAO:

- ▶ Assists in the formulation of fundamental policies, principles, and standards for court administration in South Dakota including initiating, researching, developing, implementing, and evaluating proposed policies, principles, and standards;
- ▶ Facilitates cooperation, consultation, and exchange of information by and among the circuit courts, the State Court Administrator's Office, the Supreme Court, and national, state, and local offices and organizations directly concerned with court administration, including tribal entities;
- ▶ Fosters the use of the principles and techniques of modern management in the field of court and judicial administration; and
- ▶ Endeavors to improve administrative practice and procedure in all state courts in South Dakota as well as increase the services received by the public.

FINANCING THE JUDICIAL SYSTEM

The State Court Administrator's Office manages the fiscal operations of the Unified Judicial System. This office prepares and submits the annual budget, administers the annual operating budget, and manages a uniform accounting system for the receipt and disbursement of all funds handled by circuit and magistrate courts.

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

FY2021 Expenditures

Chart 4. Budget Breakdown
FY2021 Expenditures by Program

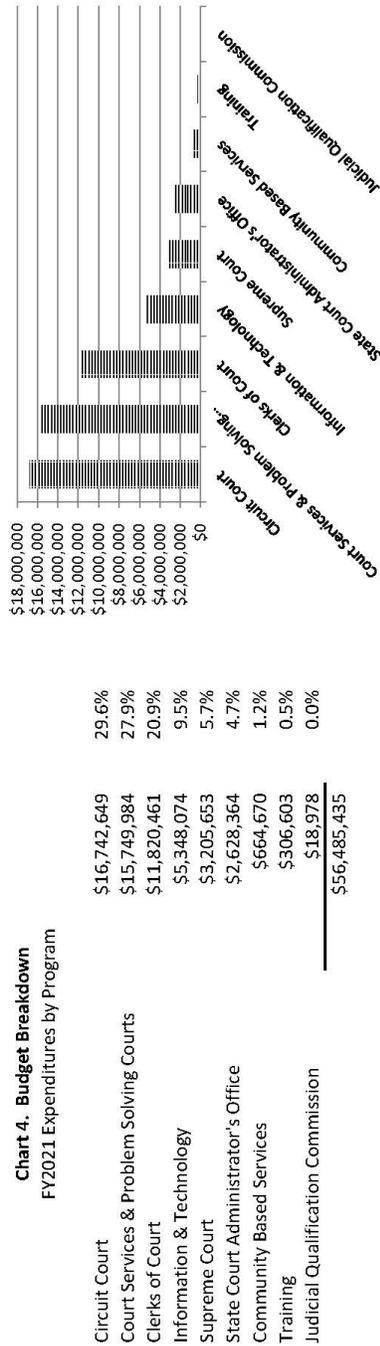
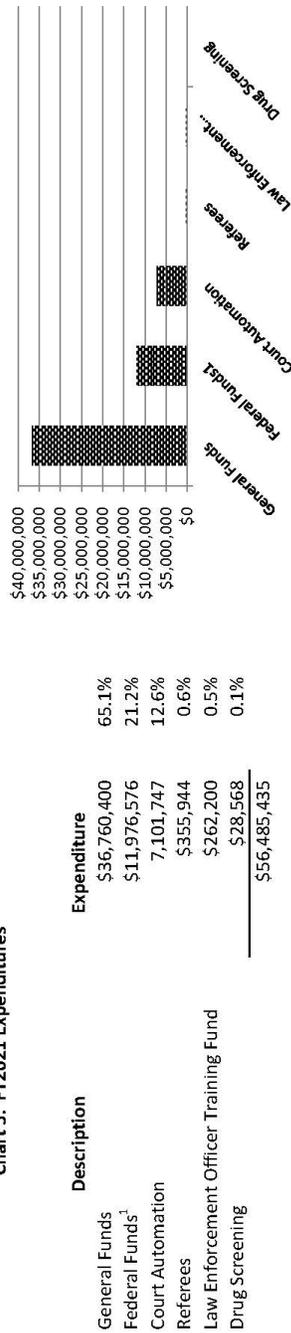


Chart 5. FY2021 Expenditures



¹The Treasury Guidance states under "Supplemental Guidance on Use of Funds to Cover Payroll and Benefits of Public Employees" that "In recognition of the particular importance of public health and public safety workers to State, local, and tribal government responses to the public health emergency, Treasury has provided, as an administrative accommodation, that a state, local, or tribal government may presume that public health and public safety employees meet the substantially indicated test, unless the chief executive (or equivalent) of the relevant government determines that specific circumstances indicate otherwise. This means that, if this presumption applies, work performed by such employees is considered to be a substantially different use than accounted for in the most recently approved budget as of March 27, 2020. All costs of such employees may be covered using payments from the fund for services provided during the period that begins on March 1, 2020, and ends on December 30, 2020." Further guidance published on 1/15/21 extended the period where these costs would be covered. "Section 2001 of Division II of the Consolidated Appropriations Act, 2021 amended section 6021(f)(3) of the Social Security Act by extending the end of the covered period for Coronavirus Relief Fund expenditures from December 30, 2020 to December 31, 2021."

CIRCUIT COURT

Circuit courts are the state's trial courts of general jurisdiction through which the bulk of criminal proceedings and civil litigation are processed. South Dakota has seven judicial circuits (map on following page), 44 circuit judges and 16 magistrate judges. Circuit court judges are elected by the voters within the circuit where they serve. The judges must be voting residents of their circuit at the time they take office. In the event of a vacancy, the Governor appoints a replacement from a list of nominees selected by the Judicial Qualifications Commission.

**7 Presiding Judges and 37 Circuit Court Judges in 7 Circuits
have the following:**

- ▶ Original jurisdiction in all civil and criminal actions,
- ▶ Exclusive jurisdiction in felony trials, arraignments and all types of civil actions except areas of concurrent jurisdiction shared with magistrate courts, and
- ▶ Appellate jurisdiction over magistrate court decisions.

MAGISTRATE COURT

Magistrate courts assist the circuit courts in disposing of misdemeanor criminal cases and minor civil actions. These courts have limited jurisdiction but make the judicial system more accessible to the public by providing a means of direct court contact for the average citizen. The jurisdiction of the magistrate court varies depending on whether a magistrate judge or a clerk magistrate presides. Clerk magistrates are not attorneys but are clerks who receive specialized training. They provide functions that need to be handled expeditiously. Both magistrate judges and clerk magistrates are appointed by the presiding judge.

Magistrate Judges:

16 full-time in 7 circuits:

- * Are Committing magistrates for all courts

Conduct:

- * Preliminary hearings for all criminal prosecutions;
- * Trials of criminal misdemeanor;
- * Trials of civil actions if the debt, damage, claim or value of the property involved does not exceed \$12,000; and
- * Small claims proceedings if the debt, damage, claim, or value of the property involved does not exceed \$12,000.

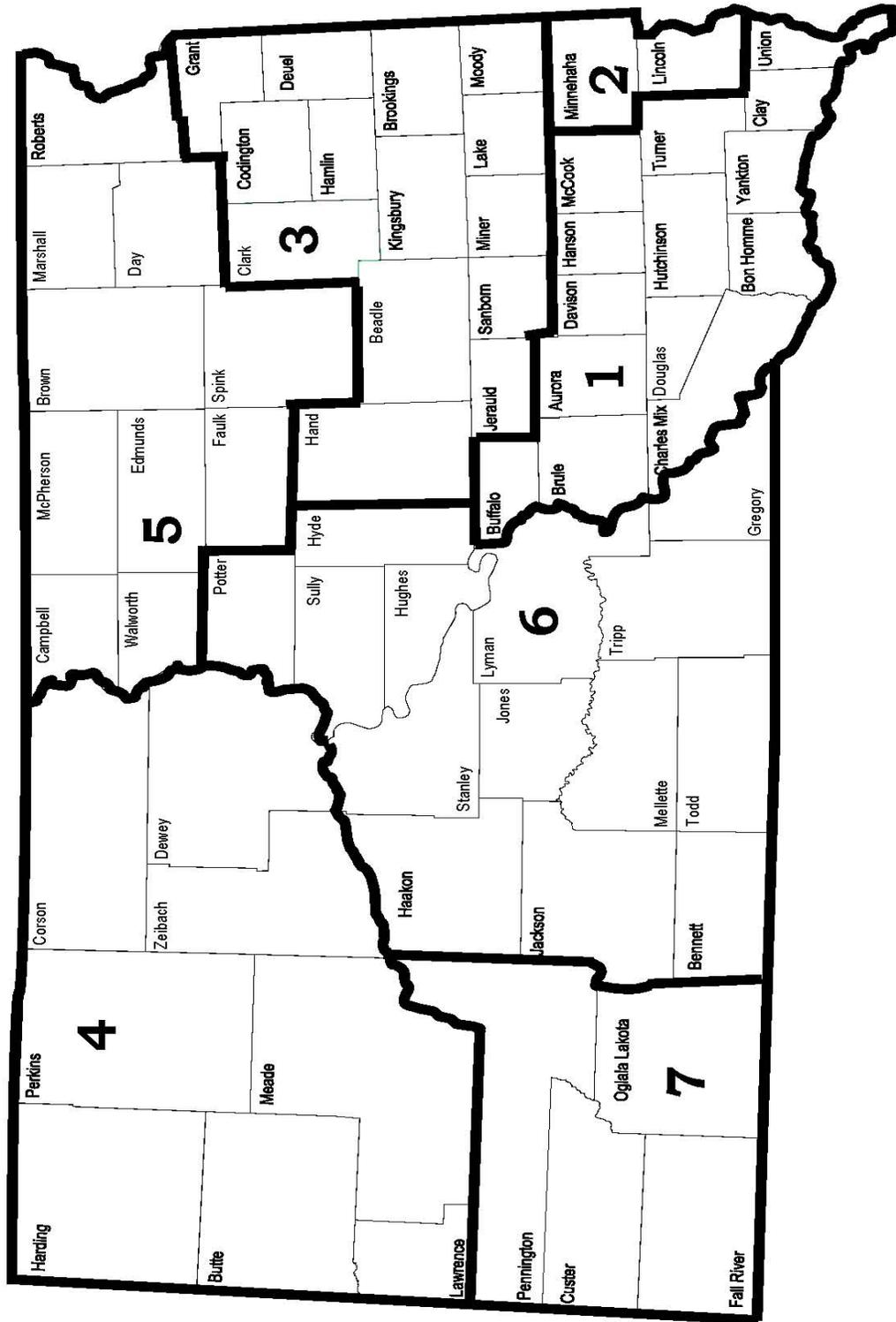
Clerk Magistrates (Specially-Trained):

Functions usually performed by clerks:

Concurrent jurisdiction with magistrate courts to:

- * Receive depositions;
- * Issue warrants;
- * Conduct certain preliminary hearings;
- * Set bail;
- * Appoint counsel;
- * Accept pleas for Class 2 misdemeanors;
- * Conduct hearings for petty offenses;
- * Render judgments for uncontested small claims; and
- * Perform marriages.

South Dakota Judicial Circuits and Counties



**Table 3. South Dakota Unified Judicial System
Statewide Workload
Five-Year Caseload Filings**

	FY2017 Filings	FY2018 Filings	FY2019 Filings	FY2020 Filings	FY2021 Filings
Class 2 Misdemeanor Non-Contested ¹ Filings	94,561	86,150	77,821	65,839	69,901
Class 2 Misdemeanor Contested ¹ Filings	19,670	29,634	26,605	26,925	27,487
Class 1 Misdemeanor Filings	21,884	22,144	20,827	19,725	19,118
Felony & Extradited Filings	11,512	12,259	12,527	13,476	13,380
TOTAL CRIMINAL	147,627	150,187	137,780	125,965	129,886
Divorce Filings	4,413	4,032	4,104	4,028	3,950
Protection Order Filings	4,589	4,549	4,244	4,030	3,853
Modification Proceedings/UFSA Filings	7,342	6,364	6,140	5,488	4,862
Juvenile Dependency & Neglect Filings	562	662	607	610	537
Juvenile Delinquency & CHINS Filings	4,177	4,418	4,557	3,825	2,957
Juvenile Citations ²	2,643	1,519	1,344	1,286	954
Adoptions/Guardianships/Trusts/Term of Parental Rights Filings	1,327	1,254	1,487	1,417	1,630
Probate (Informal) Filings	2,202	2,208	2,095	2,253	2,526
Probate (Formal) Filings	260	242	246	271	317
Mental Illness & Drug & Alcohol Commitment Filings	4,789	4,971	4,896	4,844	5,303
Civil Filings	13,189	14,227	13,079	13,085	12,099
Small Claims Filings	28,916	26,111	26,949	25,976	25,692
Search Warrants	3,765	4,178	4,228	4,667	5,089
Administrative Appeals & Expurgements	186	168	204	218	178
TOTAL CIVIL FILINGS	78,360	74,903	74,180	71,998	69,947
TOTAL CRIMINAL & CIVIL FILINGS	225,987	225,090	211,960	197,963	199,833
MISCELLANEOUS ACTIVITIES					
Supreme Court Appeals	271	243	276	243	242
Record Searches & Money Judgment Searches ³	192,131	204,680	230,176	217,803	247,954
Passport Applications	724	722	933	540	378
Weddings	632	524	483	365	347

¹ Includes petty offense filings and municipal ordinance violations.

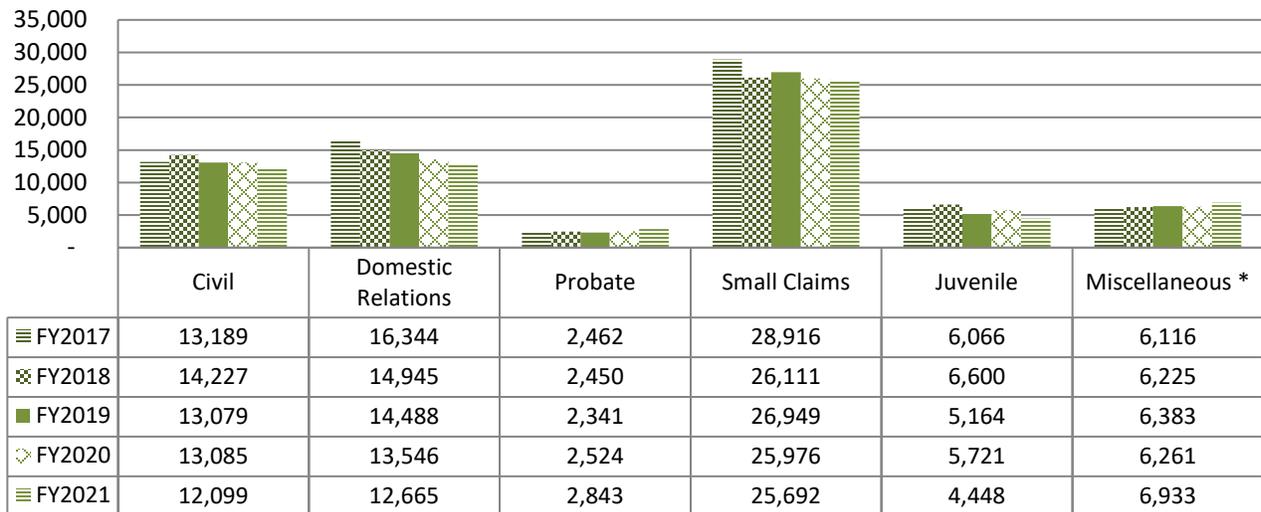
² Beginning in FY2017, Juvenile Citations were included.

³ Includes PARS Searches

Civil Caseload

The following chart compares various types of civil (non-criminal) and juvenile caseload filings for the past five fiscal years.

Chart 6. Civil Caseload Comparison

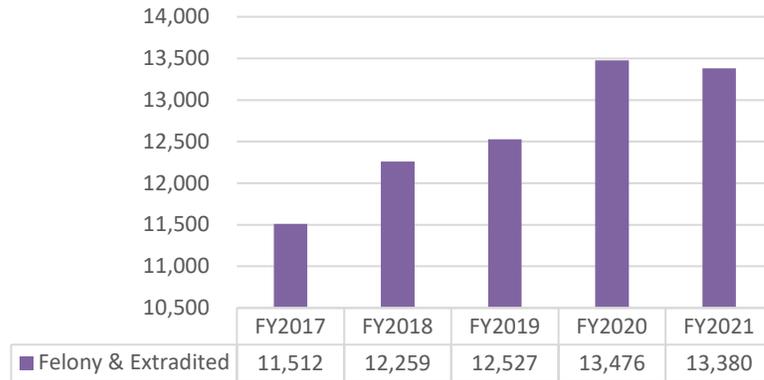


* Miscellaneous includes Adoptions, Guardianships, Trusts, Mental Illness, Termination of Parental Rights and Drug & Alcohol Commitment filings.

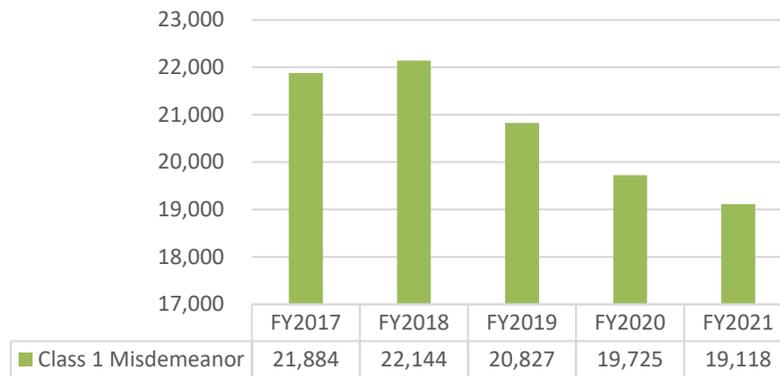
Criminal Caseload

The following chart below compares criminal case filings for the past five fiscal years.

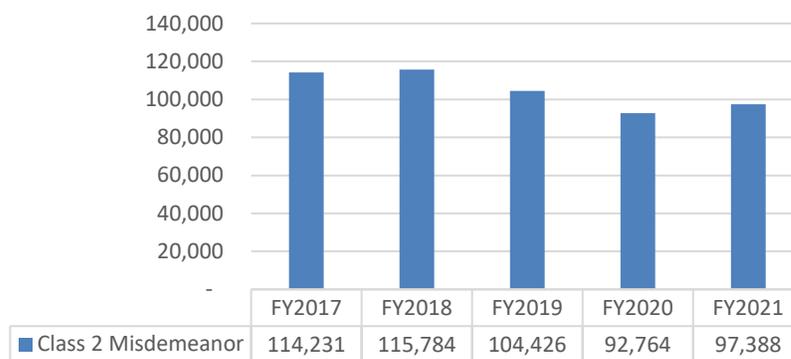
Felony & Extradited



Class 1 Misdemeanor



Class 2 Misdemeanor



**Table 4. Expanded Media Coverage Summary Statewide
South Dakota Unified Judicial System
FY2012 through FY2021 Combined**

The Supreme Court of South Dakota adopted court rules effective July 1, 2011, that allowed for the expanded media coverage of the trial courts in South Dakota. Under these rules expanded media coverage consisting of audio, still photo, or video coverage is allowable when parties and the court all agree that such coverage should be permitted. In addition, audio coverage of a proceeding is allowed when the court determines that such audio coverage is appropriate, even if all parties have not consented to expanded media coverage. Under either option, certain proceedings such as juvenile hearings and portions of other proceedings closed by state law are not subject to expanded media coverage. The judge also retains the power to terminate coverage if such action is determined appropriate. The Supreme Court has permitted expanded media coverage of its proceedings since 2001. The information below is a summary of the requests in the trial courts since FY2012.

CIRCUIT	1st	2nd	3rd	4th	5th	6th	7th	TOTAL
# of Requests Received	23	61	14	2	10	7	6	123
Request Type:								
Full Access	15	52	7	1	6	1	6	88
Audio Only Access	1	0	6	0	1	0	0	8
Audio & Video Access	4	7	0	0	0	4	0	15
Audio & Still Camera Access	3	2	1	1	3	2	0	12
Decision:								
Full Coverage Granted	0	5	2	0	0	1	0	8
Audio Only Granted	10	29	3	0	1	5	0	48
Access Denied	12	12	2	2	7	1	6	42
Video Only Granted	0	1	0	0	0	0	0	1
Decision Pending/No Disposition	1	14	7	0	2	0	0	24

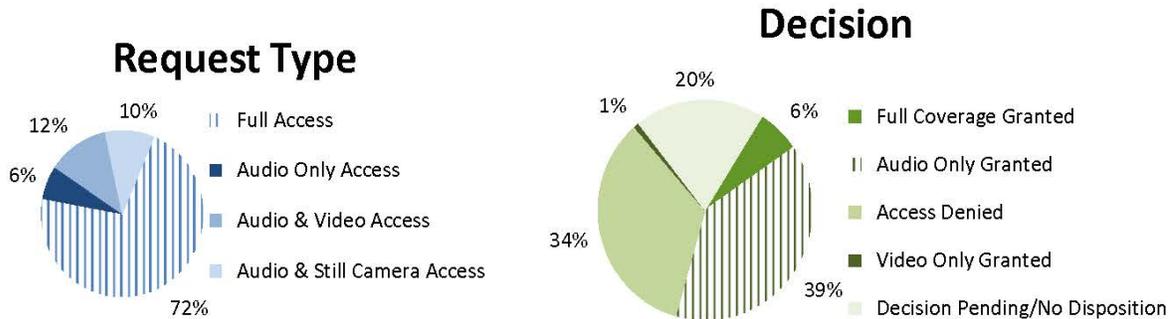


Table 5. Interpreter Needs in Circuit Courts

Sorted Alphabetical		Sorted By # of Assignments	
<u>Language</u>	<u>Number of Assignments</u>	<u>Language</u>	<u>Number of Assignments</u>
Amharic	98	Spanish; Castilian	965
Arabic	327	Arabic	327
Aramaic	1	Kunama	283
Bosnian	10	Dinka	246
Cambodian	1	Somali	215
Creoles and Pidgins (French)	2	Nepali	174
Deaf	5	Sign Languages	149
Dinka	246	Tigrinya	131
French	10	Swahili	120
Grebo	2	Amharic	98
Haitian; Haitian Creole	1	Vietnamese	43
Karen	5	Nuer	30
Kayah	7	Krahn	24
Kinyarwanda	15	Lao	19
Kirundi	14	Kinyarwanda	15
Krahn	24	Kirundi	14
Kunama	283	Bosnian	10
Lao	19	French	10
Liberian	2	Russian	10
Mandarin Chinese	3	Oromo	8
Mandingo	5	Kayah	7
Mimi	7	Mimi	7
Nepali	174	Serbian	6
Nilo-Saharan (Other)	1	Deaf	5
Nuer	30	Karen	5
Oromo	8	Mandingo	5
Philippine (Other)	4	Philippine (Other)	4
Romanian	1	Mandarin Chinese	3
Russian	10	Sundanese	3
Serbian	6	Creoles and Pidgins (French)	2
Sign Languages	149	Grebo	2
Somali	215	Liberian	2
Spanish; Castilian	965	Ukranian	2
Sundanese	3	Aramaic	1
Swahili	120	Cambodian	1
Thai	1	Haitian; Haitian Creole	1
Tigrinya	131	Nilo-Saharan (Other)	1
Ukranian	2	Romanian	1
Vietnamese	43	Thai	1
Total	2,950	Total	2,950

**South Dakota Unified Judicial System
Preliminary Hearings and Trials Held Reports by Circuit and Statewide**

First Judicial Circuit

Hearing Type	Hearings Held			
	Petty Offenses	Class II Misdemeanors	Class I Misdemeanors	Felonies
Habitual Offender Court Trial	0	0	0	0
Preliminary Hearing	0	0	3	78
Court Trial	0	46	13	2
Consoliated Jury Trial	0	0	0	0
Jury Trial	0	0	4	4

Second Judicial Circuit

Hearing Type	Hearings Held			
	Petty Offenses	Class II Misdemeanors	Class I Misdemeanors	Felonies
Habitual Offender Court Trial	0	0	0	0
Preliminary Hearing	0	1	4	364
Court Trial	4	138	16	12
Consoliated Jury Trial	0	0	0	0
Jury Trial	0	1	14	46

Third Judicial Circuit

Hearing Type	Hearings Held			
	Petty Offenses	Class II Misdemeanors	Class I Misdemeanors	Felonies
Habitual Offender Court Trial	0	0	0	0
Preliminary Hearing	0	0	3	50
Court Trial	1	69	10	1
Consoliated Jury Trial	0	0	0	0
Jury Trial	0	0	5	4

Fourth Judicial Circuit

Hearing Type	Hearings Held			
	Petty Offenses	Class II Misdemeanors	Class I Misdemeanors	Felonies
Habitual Offender Court Trial	0	0	0	0
Preliminary Hearing	0	0	0	10
Court Trial	1	37	8	8
Consoliated Jury Trial	0	0	0	0
Jury Trial	0	0	2	9

Fifth Judicial Circuit

Hearing Type	Hearings Held			
	Petty Offenses	Class II Misdemeanors	Class I Misdemeanors	Felonies
Habitual Offender Court Trial	0	0	0	0
Preliminary Hearing	0	3	3	72
Court Trial	0	7	6	2
Consoliated Jury Trial	0	0	0	0
Jury Trial	0	0	0	2

**South Dakota Unified Judicial System
Preliminary Hearings and Trials Held Reports by Circuit and Statewide (Cont.)**

Sixth Judicial Circuit

Hearing Type	Hearings Held			
	Petty Offenses	Class II Misdemeanors	Class I Misdemeanors	Felonies
Habitual Offender Court Trial	0	0	0	1
Preliminary Hearing	0	1	3	89
Court Trial	0	8	2	0
Consoliated Jury Trial	0	0	1	1
Jury Trial	0	0	1	5

Seventh Judicial Circuit

Hearing Type	Hearings Held			
	Petty Offenses	Class II Misdemeanors	Class I Misdemeanors	Felonies
Habitual Offender Court Trial	0	0	0	0
Preliminary Hearing	0	0	4	292
Court Trial	0	63	12	1
Consoliated Jury Trial	0	0	0	0
Jury Trial	0	0	4	16

Statewide

Hearing Type	Hearings Held			
	Petty Offenses	Class II Misdemeanors	Class I Misdemeanors	Felonies
Habitual Offender Court Trial	0	0	0	1
Preliminary Hearing	0	5	20	955
Court Trial	6	368	67	26
Consoliated Jury Trial	0	0	1	1
Jury Trial	0	1	30	86

RECEIPTS

Chart 8 below shows various types of receipts for the past five fiscal years. (See Appendix A for definitions of receipt categories or the UJS website for further receipt information by county and circuit).

Chart 8. Court-Appointed Attorney Fees, Cash Fees and Restitution Receipts

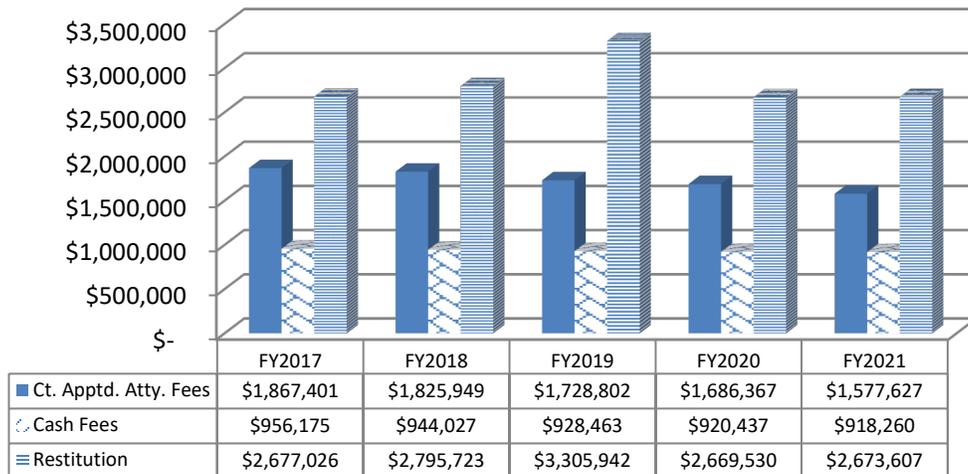
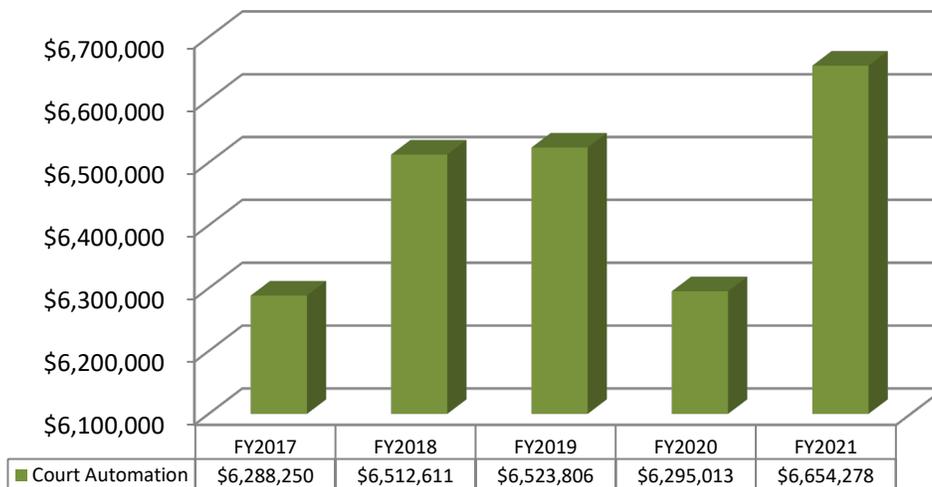


Chart 9 below shows court automation receipts for the past five fiscal years. Court Automation is a surcharge assessed on all criminal prosecutions and civil actions to fund court automation costs.

Chart 9. Court Automation Receipts



DISBURSEMENTS

Charts on this page illustrate the volume of receipts disbursed by clerks of court.

Disbursements to cities are primarily city fines collected by the court system. The amount remitted to the cities is 65% of the total city fines, forfeitures, and penalties and 100% of city costs. The remaining 35% is remitted to the state general fund.

Disbursements to the state include liquidated costs and the 35% of city fines mentioned above.

Disbursements to counties include state fines - including funds returned to school districts in accordance with Article VIII, § 3, of the South Dakota Constitution - costs, forfeitures, and various fees for civil filings.

Chart 10. Select Revenue Disbursements



Table 7. CLERK OF COURT RECEIPTS AND DISBURSEMENTS COMPARISON

RECEIPTS \$\$\$	FY2017	FY2018	FY2019	FY2020	FY2021
ADULT COMPACT FEES	20,200	21,250	21,930	20,217	18,273
ALIMONY	562	12	612	12	12
CASH FEES	956,175	944,027	928,463	920,437	918,260
CHILD SUPPORT *	20,800	6,850	8,956	6,380	20,471
CITY COSTS	6,116	7,331	5,686	6,980	6,285
CITY FINES	746,866	666,878	608,109	615,890	651,165
CITY FORFEITURES	426	-	421	153	-
CITY PENALTIES	7,364	6,032	4,284	6,869	3,241
CIVIL PASS THROUGH	391,507	15,448	192,155	12,144	1,916
CIVIL PENALTIES	300	150	-	55	5,673
COLLECTIONS AGENCY PASS THROUGH	31,761	24,848	20,909	34,115	19,964
COUNTY COSTS	586,535	641,192	604,614	614,894	624,329
COUNTY FINES	10,043	10,012	5,600	6,107	6,702
COUNTY FORFEITURES	1,775	6,490	1,800	1,710	2,450
COUNTY PENALTIES	435	217	260	240	571
COURT APPOINTED ATTORNEY FEES **	1,867,401	1,825,949	1,728,802	1,686,367	1,577,627
DIVORCE FEES	121,500	117,400	124,950	119,100	122,800
DOMESTIC ABUSE SURCHARGE	14,889	15,170	13,742	14,576	16,600
DRAW DOWN ACCOUNTS	4,824,266	5,466,796	5,979,049	5,773,131	6,340,119
DRUG CONTROL FEE	115,434	128,992	140,943	134,117	103,183
DRUG TEST FEES AND MONITORING FEES	14,231	14,070	12,451	8,552	5,593
DUI COST	192,450	213,468	195,607	193,505	185,603
INTEREST-BEARING TRUST FUNDS	257	237,473	71	1,043,593	552
LAW LIBRARY FEES	158,205	140,507	139,701	139,679	135,310
LIQUIDATED COSTS	4,022,346	3,976,940	3,654,420	3,288,225	4,115,047
MARRIAGE FEES	12,450	10,480	9,660	7,300	6,940
CHILD SUPPORT MODIFICATION FEES	59,830	111,525	121,050	112,632	107,126
NSF CHECK CHARGES	6,008	4,315	4,229	2,821	2,510
OTHER-OVERPAYMENTS	21,578	16,193	23,015	29,470	33,610
PASSPORT FEES	18,303	17,955	23,275	13,405	9,415
PETTY OFFENSE	219,537	313,371	267,804	212,498	249,302
POSTAGE (SMALL CLAIMS)	302,259	229,991	243,579	242,988	239,615
POSTED BONDS	8,742,973	12,427,217	8,184,533	7,871,342	12,545,786
RESTITUTION	2,677,026	2,795,723	3,056,942	2,669,530	2,673,607
SEARCH FEE - LEOTF	956,945	1,020,138	1,094,720	1,087,404	1,194,775
SFPD - DRUG FEE	27,124	22,318	34,261	22,288	23,192
STATE COSTS	97,811	65,308	65,811	80,382	84,902
STATE FINES	7,971,397	8,132,943	7,665,881	7,016,550	7,289,914
STATE FORFEITURES	449,867	430,369	414,050	388,980	358,755
STATE PENALTIES	876,137	834,609	778,446	782,307	1,014,578
SURCHARGE-COURT AUTOMATION	6,288,250	6,512,608	6,523,806	6,295,013	6,654,278
SURCHARGE-VICTIM COMPENSATION	247,257	245,067	398,829	391,559	415,087
TRUST FUND	13,976	318,970	91,170	2,143	721,057
TOTAL RECEIVED \$\$\$	\$43,100,570	\$47,996,603	\$43,394,593	\$41,875,662	\$48,506,195
DISBURSEMENTS \$\$\$	FY2017	FY2018	FY2019	FY2020	FY2021
ALIMONY	562	12	612	12	12
BOND REFUNDS (Converted Bonds, Odyssey)	8,591,690	11,112,930	9,930,398	7,666,101	7,733,397
CHILD SUPPORT *	20,800	6,850	8,956	6,380	20,471
CIVIL PASS THROUGH	220,264	77,463	287,141	25,744	2,559
COLLECTION AGENCY PASS THROUGH	26,464	26,710	22,340	31,258	22,589
DRAW DOWN ACCOUNTS	4,783,247	5,352,582	5,234,567	5,770,754	6,273,708
INTEREST-BEARING TRUST FUNDS	-	230,260	689,245	7,501	1,039,407
OVERPAYMENTS	22,552	16,724	20,761	27,996	36,461
REMIT TO SIOUX FALLS POLICE DEPARTMENT	25,712	22,255	33,425	23,184	22,478
REMITTED TO ATTORNEY GENERAL (DRUG FUND)	118,545	128,152	138,361	135,546	105,643
REMITTED TO CITY	488,235	454,419	401,824	410,588	427,979
REMITTED TO COUNTY	13,395,772	13,838,681	12,895,771	12,328,557	12,444,371
REMITTED TO STATE	11,846,415	12,296,721	12,075,402	11,633,165	12,367,988
RESTITUTION	2,764,036	2,819,767	2,907,107	2,885,701	2,557,526
SMALL CLAIMS POSTAGE	238,981	236,519	239,885	243,416	240,673
TRUST FUND	27,003	-	221,141	174,325	609,665
TOTAL DISBURSED \$\$\$	\$42,570,276	\$46,620,045	\$45,106,938	\$41,370,226	\$43,904,926

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

** 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 8. Court Services Activities - FY2017 to FY2021

SERVICE CATEGORIES	FY2017	FY2018	FY2019	FY2020	FY2021
Juvenile Service:					
Pre-hearing Social Case Studies	147	98	210	270	223
90-Day Diversion Services Added	502	572	416	409	287
Placed on Probation During FY	1,465	1,546	1,626	1,296	1,039
Active Probation Cases at End of FY	647	780	819	656	572
Restitution Collected	\$100,424	\$90,415	\$71,810	\$100,157	\$76,694

Case Services Monitoring:					
Placed in Program During FY	139	154	119	99	66
Active Cases at End of FY	62	85	75	59	18
Interstate Compact Cases-In	16	7	11	15	8
Interstate Compact Cases-Out	16	23	26	18	22

Intensive Probation:					
Placed In Program During FY	138	116	98	104	73
Transferred In	0	0	0	0	0
Transferred Out	0	0	0	0	0
JIPP Unavailable	3	5	1	4	1
Successfully Completed Program	68	44	74	48	53
Failed Program and sent to DOC	20	19	13	24	20
Failed Program (Other)	64	44	32	18	22
Active Cases at End of FY	91	94	72	82	59

Adult Service, Misdemeanor:					
Pre-Sentence Investigation Reports	105	92	31	23	20
Placed on Probation During FY	370	321	268	198	154
On Probation at End of FY	569	507	407	348	311
Restitution Collected	\$719,839	\$882,719	\$753,619	\$704,700	\$703,363

Adult Service, Felony:					
Pre-Sentence Investigation Reports	3,037	3,127	3,962	3,336	3,101
Placed on Probation During FY	3,367	3,811	4,033	3,775	3,055
On Probation at End of FY	5,874	6,052	6,560	9,583	5,819
Restitution Collected	\$880,026	\$916,093	\$1,309,935	\$1,105,319	\$1,269,124

Case Services Monitoring Program (F&M):					
Placed in Program During FY	118	102	84	94	55
Active Cases at End of FY	466	233	232	198	208

Adult Interstate Compact Caseload (F&M):					
Total Placed on Probation - In & Out	301	294	291	245	223
On Probation at End of FY	1,142	1,110	1,100	1,007	932

STANDARD PROBATION SUPERVISION COSTS
Court Services Department
FY 2021
(Personal, Operating, Community Based Services)

114 Court Services Officers	
Juvenile cases under supervision as of 6/30/2021	648
Adult cases under supervision as of 6/30 2021	<u>7,210</u>
Total	7,858

224 Juvenile Social Histories (11 hours per)
3101 Adult Felony Pre-Sentence Investigations (11 hours per)
20 Misdemeanor Pre-Sentence Investigations (3 hours per)

FY 2021 Expenditures (actual)	
Personal Services	\$ 10,641,096
Operating Services	\$ 544,110
Community Based Services	<u>\$ 493,150</u>
	\$11,678,356

Cost per Court Services Officer per hour = \$49.25
Cost for Felony Pre-Sentence Investigation = \$541.75
Cost for Social History = \$541.75
Cost for Misdemeanor Pre-Sentence Investigation = \$147.75

Total Cost of Prepared Reports for FY 2021	\$ 1,804,274
Cost for Supervision for FY 2021	\$ 9,874,082

**Average Daily Cost of Standard Probation Supervision
FY 2021**

ADULT

• Intensive Probation	\$15.76
• High Supervision Probationer (1.81 hours per month)	\$ 4.11
• Medium Supervision Probationer (1.27 hours per month)	\$ 2.89
• Low Supervision Probationer (.60 hours per month)	\$ 1.36
• Administrative Supervision Probationer (.08 hours per month)	\$.18
• Case Service Monitoring Case (.08 hours per month)	\$.18

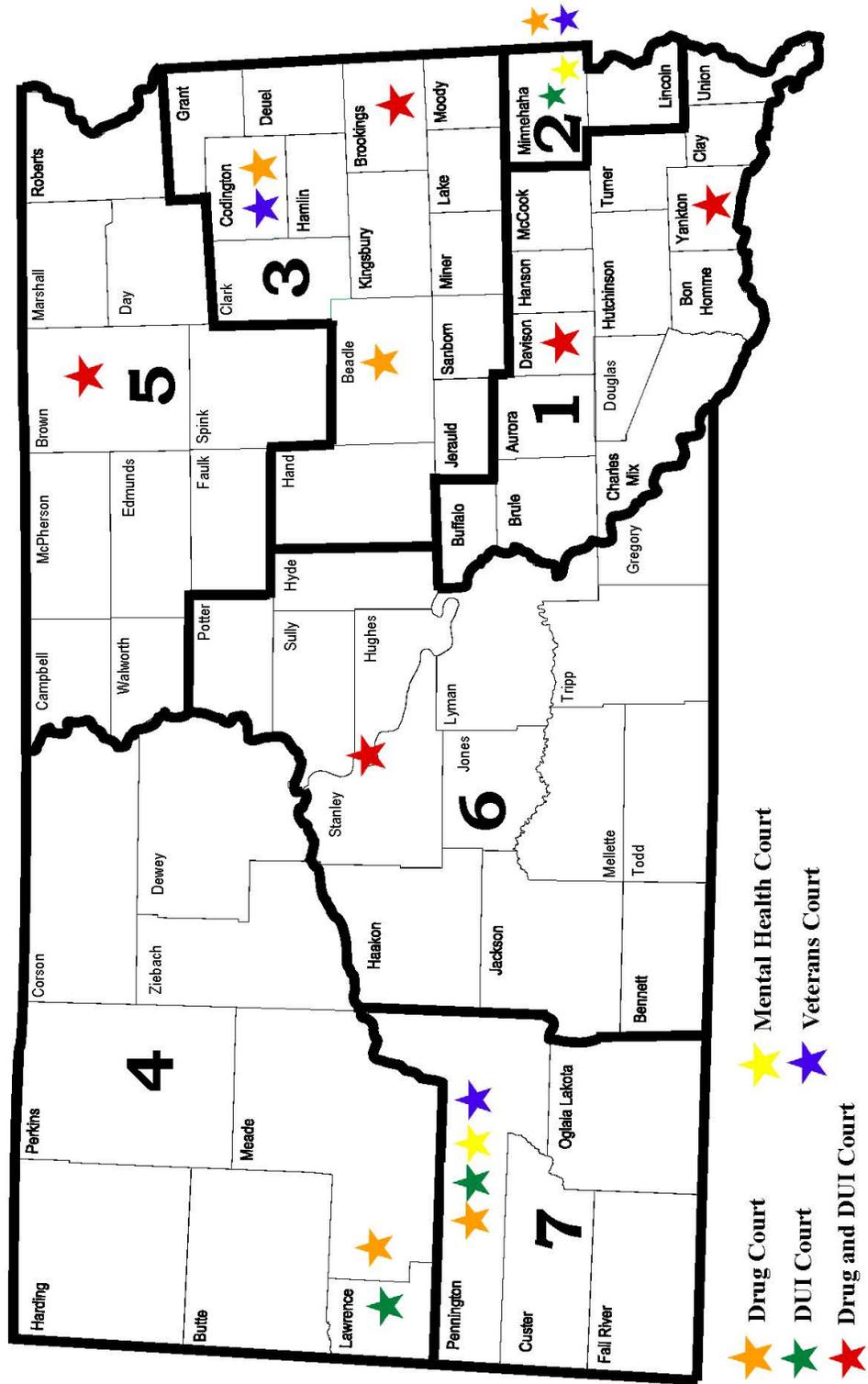
JUVENILE

• Intensive Probation	\$ 19.70
• High Supervision Probationer (2.89 hours per month)	\$ 6.57
• Medium Supervision Probationer (2.45 hours per month)	\$ 5.57
• Low Supervision Probationer (.91 hours per month)	\$ 2.06
• Administrative Supervision Probationer (.32 hours per month)	\$.73
• Informal Diversion Case (.36 hours per month)	\$.81
• Case Service Monitoring Case (.23 hours per month)	\$.52

Average Cost of Supervision – All Categories **\$4.65 per day**

Problem Solving Courts

South Dakota Unified Judicial System



Revised 11/1/2021

APPENDIX A

Definitions of Receipt Categories

Adult Compact Fees: A fee of \$50.00 charged to all South Dakota supervised felony and applicable misdemeanor cases/clients who request a transfer of their probation supervision to another state.

Alimony Payments: An allowance for support made under court order to a legally separated or divorced person by the former provider. Monies received are receipted and disbursed to the person as provided by the court order.

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

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 Dept. of Social Services.

Civil Pass Through: Payments ordered by the court from one party to be paid to the court for the benefit of another or a third party in a civil action.

Child Support Modification Fees: A \$50 fee for any petition or motion to modify a child support order. This fee is deposited into the "equal access to our courts" fund to be awarded as grant funds to legal services entities.

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

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

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

Collection Agency Pass Through: Payments received from a party that is passed through the courts to the Obligation Recovery Center.

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

Divorce Fees: A fee of \$50.00 charged 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.

Domestic Abuse Surcharge: A fee of \$25.00 assessed to any defendant convicted of a crime involving domestic violence or domestic abuse. Costs are remitted to the county to deposit into the county domestic violence program fund.

Draw Down Accounts: Deposit accounts created by law firms, businesses and other individuals to pay for filing fees, small claims fees, postage, record searches and other miscellaneous charges.

Drug Control Fee: Fees paid to the Attorney General to be deposited in the Drug Control Fund for the purpose of assisting local law enforcement agencies in drug control and drug offender apprehension efforts.

Drug Testing and Monitoring Fees: Fees charged to probationers to cover the cost of drug testing or monitoring while on probation.

DUI Costs: (32-12-48): If a defendant is convicted driving under the influence, at the conclusion of the period of revocation ordered by the court and if future proof is filed with the Department of Public Safety as required by chapter 32-35, the defendant may submit an application for a driver license, accompanied by a fee of seventy-five dollars if revocation of the license was for a conviction under § 32-23-2, one hundred twenty-five dollars if revocation of the license was for a conviction under § 32-23-3, or one hundred seventy-five dollars if revocation of the license was for a conviction under § 32-23-4, 32-23-4.6, or 32-23-4.7.

Interest-Bearing Trust Funds: Interest-bearing money deposited with a clerk pending a decision regarding ownership.

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.

Liquidated Costs: 23-3-53: Collection by clerk of courts-Transmittal to state treasurer-Disposition. After a determination by the court of the amount due, the clerk of courts shall collect the amount due and transmit monthly to the state treasurer. The state treasurer shall place thirty dollars of the forty dollar fee into the law enforcement officers training fund, six dollars of the forty dollar fee into the court-appointed attorney and public defender payment fund, two dollars of the forty dollar fee into the court-appointed special advocates fund, one dollar of the forty dollar fee into the 911 telecommunicator training fund, and one dollar of the forty dollar fee into the abused and neglected child defense fund.

Marriage Fees: Fees collected for processing marriage license applications. These funds are paid into the state general fund.

APPENDIX A (Cont.)

Modification Petitions and Motions Fees (Except Title 28 benefits): A fee of \$50.00 for child support modification filings. These funds are paid into the state general fund.

NSF Check Charges: A fee of \$30.00 charged to 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.

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

Passport Fees: 16-2-27.1. Fees collected for processing U.S. passport applications. These funds are paid into the state general fund.

Petty Offense Judgment: A judgment of \$20.00 assessed for minor state violations designated as petty offenses. The money is deposited in the county treasury.

Postage-Small Claims: Postage fees charged for processing small claims actions.

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

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.

State Costs: 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.

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

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

Surcharge-Court Automation Fund: 16-2-39. A fee on all criminal prosecutions and civil actions to fund court automation costs. The following is the court automation fee schedule (updated June 30, 2015):

Civil actions, probate proceedings, other judicial proceedings	\$40.00	All Class 2 misdemeanors (violation of state law)	\$23.50
Small claims where the amount in controversy is: \$0 to \$3,999.99	\$ 6.00	All violations of county or municipal ordinances	\$17.50
\$4,000 to \$12,000	\$ 8.00	All violations of administrative rules with criminal penalties	\$17.50
All felony criminal cases	\$61.50	All appeals, original actions or other actions filed with the Supreme Court	\$50.00
All Class 1 misdemeanors	\$41.50		

--Electronic Filing Fees: A fee of \$1.00 per page (\$10 minimum) for incoming fax filings. A fee of \$1 per page (\$5 minimum) for outgoing electronic transmission of any opinion, record, or paper from an active or inactive file in the clerk's custody.

--Record Searches: 16-2-29.5. A fee of \$20.00 for each name search of court records if the search is requested by a person who is not a party named in a state or federal action. \$15.00 of the \$20.00 fee goes to the Court Automation Fund and \$5.00 goes to the law enforcement officers training fund. A fee of \$5.00 for each name search of court records if the search is being conducted in conjunction with a state or federal court action and the person making the records search request so certifies.

--Web Judgment Searches: A fee of \$4 for each name or date search for civil judgments and \$1 per judgment card.

--Non-Resident Attorney Admissions: A \$100.00 portion of the \$200.00 admission fee is paid to the Supreme Court and the remaining \$100.00 portion is paid to the state bar.

Surcharge-Victims Compensation Fund: A fee of \$5.00 assessed in any criminal action for a violation of state law or county or municipal ordinance, in addition to any other liquidated cost, penalty, assessment, surcharge, or fine provided by law; it shall be levied a crime victims compensation surcharge on each Class 2 misdemeanor, Class 1 misdemeanor, or felony conviction.

**Most receipts collected according to SDCL 16-2-29, unless otherwise noted.*

APPENDIX B – Web Resources

<http://ujis.sd.gov>

Visit the UJS website for further information

Bench Personnel by Judicial Circuit
Court Appointed Attorney Costs
Expenditures & Repayment for Court Appointed Attorney Costs
Civil Caseload Detail
Protection Order Filings
Abuse & Neglect Petitions
Criminal Caseload Detail
DUI Cases
Traffic Violations Summary
Insufficient Funds
Failure to Maintain Financial Responsibility Arrests (No proof of insurance)
Tobacco Violations
Court Services Detail

Compiled by
The State Court Administrator’s Office
Pierre, South Dakota
October 2021

Any questions or comments regarding the Annual Report should be directed to the State Court Administrator’s Office, 500 East Capitol Avenue, Pierre, SD 57501-5070.

This Annual Report document is only available online.
An abbreviated version is also available online or by calling (605) 773-3474.