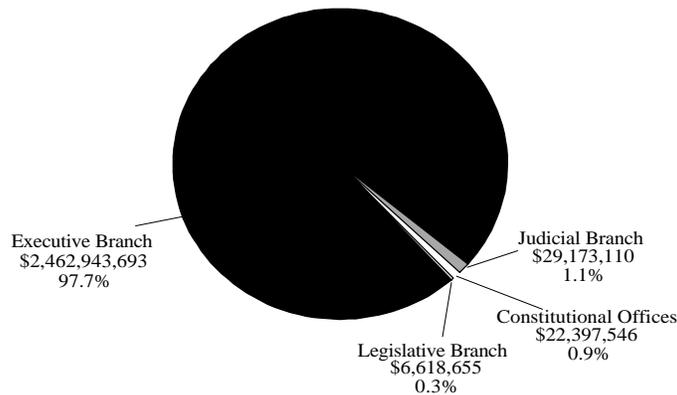


Table 5. STATE BUDGET - FY2003

BRANCH OF GOVERNMENT	BUDGETED FTE	PERCENT OF TOTAL	BUDGET AMOUNT *	PERCENT OF TOTAL
EXECUTIVE BRANCH DEPARTMENTS:				
Executive Management	627.3		\$103,226,154	
Revenue and Regulation	301.5		\$53,546,090	
Agriculture	169.8		\$18,389,128	
Tourism	141.6		\$40,942,236	
Game, Fish and Parks	538.9		\$59,453,152	
Social Services	938.3		\$558,331,295	
Health	370.1		\$44,174,785	
Labor	430.7		\$40,317,501	
Transportation	1,027.2		\$388,180,486	
Education	127.5		\$448,504,619	
Public Safety	381.6		\$33,080,533	
Board of Regents	4,894.9		\$399,322,217	
Military and Veteran's Affairs	175.4		\$23,419,011	
Corrections	789.8		\$70,924,741	
Human Services	1,188.9		\$168,627,879	
Environment and Natural Resources	165.3		\$12,503,866	
EXECUTIVE BRANCH TOTAL	12,268.8	94.4%	\$2,462,943,693	97.7%
CONSTITUTIONAL OFFICES	198.3	1.5%	\$22,397,546	0.9%
LEGISLATIVE BRANCH	60.3	0.5%	\$6,618,655	0.3%
JUDICIAL BRANCH	462.6	3.6%	\$29,173,110	1.1%
STATE TOTALS	12,990.0	100.0%	\$2,521,133,004	100.0%

* Includes Informational Budgets

**Chart 2. South Dakota State Budget
FY2003**



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 \$22.6 million for the system's full and part-time employees. The state also funded operating costs of \$6.8 million this fiscal year, which included travel, contractual services, supplies and materials, and capital assets.

In addition to state funding, city and county governments are required by state law to pay for certain court-

related expenses. Each county is responsible for supporting court operations by paying all jury and witness fees, transcript 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.

state law or county or municipal ordinance (except parking violations), and which is used to assist crime victims to recover some of the costs they incurred as a result of the crime.

Liquidated Costs: A \$25.00 surcharge assessed for all criminal convictions. Seventeen dollars is deposited into the law enforcement officers training fund, six dollars into the court appointed attorney and public defender payment fund, one dollar into the 911 telecommunicator training fund, and one dollar into the abused and neglected child defense fund. The money is paid into the State Treasury for distribution.

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

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

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

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

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

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

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

Drug Test Fee: Fee charged to probationers to cover the cost of drug testing while on probation.

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

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

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

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

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

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

Table 6. CLERK OF COURT RECEIPTS AND DISBURSEMENTS - FY2003

<u>RECEIPTS</u>	FIRST CIRCUIT	SECOND CIRCUIT	THIRD CIRCUIT	FOURTH CIRCUIT	FIFTH CIRCUIT	SIXTH CIRCUIT	SEVENTH CIRCUIT	STATE TOTAL
BONDS/UNDERTAKINGS/NO-INT TRUSTS	1,025,185	1,181,561	666,075	1,093,981	363,795	327,237	1,133,874	5,791,708
CITY FINES	135,452	620,909	172,427	29,019	101,413	21,730	135,744	1,216,693
CITY COSTS	1,411	3,581	485	220	0	100	3,136	8,933
CITY FORFEITURES	0	2,326	200	0	0	0	0	2,526
COUNTY FINES/COSTS/FORFEITURES	18,542	1,198	7,849	228	311	223	1,135	29,484
STATE FINES	1,905,337	1,671,005	1,608,497	1,420,147	1,178,416	866,514	1,515,163	10,165,078
STATE COSTS	98,532	62,078	83,773	78,549	39,169	45,489	88,421	496,010
STATE FORFEITURES	58,928	94,016	21,886	46,204	24,525	19,930	8,620	274,108
LIQUIDATED COSTS	576,001	821,743	523,322	312,191	402,904	245,945	554,625	3,436,731
COURT AUTOMATION FUND	353,292	382,210	776,734	153,266	239,972	162,549	267,318	2,335,340
VICTIM COMPENSATION - SURCHARGE	57,376	79,556	52,174	30,746	38,731	24,558	54,974	338,114
CASH FEES	148,820	239,336	140,779	64,606	96,933	62,410	160,125	913,008
DIVORCE FEES	18,900	35,075	21,450	15,100	10,900	7,250	27,545	136,220
LAW LIBRARY FEES	22,102	38,351	22,829	9,683	14,105	8,850	24,843	140,763
POSTAGE (SMALL CLAIMS)	29,572	48,143	27,799	11,095	14,583	9,646	37,456	178,295
PETTY OFFENSE	27,705	69,048	46,532	14,649	33,819	23,467	28,356	243,576
RESTITUTION	561,302	618,043	389,520	282,936	393,622	177,751	498,090	2,921,264
COURT APPOINTED ATTORNEY FEES *	103,506	310,689	240,108	151,040	141,945	141,976	226,724	1,315,988
NSF CHECK CHARGES	2,210	2,408	2,920	870	540	1,110	1,820	11,878
PASSPORT FEES	5,010	90	4,320	1,860	5,430	2,475	0	19,185
MARRIAGE FEES	8,500	20	5,660	900	3,680	2,340	560	21,660
DRUG TEST FEES	1,809	5,538	2,255	4,195	925	1,445	6,375	22,542
CHANGE OF VENUE	999	1,360	547	207	412	225	480	4,230
CHILD SUPPORT	890,727	936,162	969,209	556,914	391,318	284,069	900,451	4,928,851
CIVIL PASS THROUGH	11,610	4,788	16,263	1,736	6,692	2,455	8,701	52,244
ALIMONY	104,917	35,172	128,639	31,758	32,069	19,484	128,960	480,999
INTEREST-BEARING TRUST FUNDS	285	104,074	0	0	1,548	0	2,034	107,941
OTHER	15,151	23,495	14,584	24,616	6,951	8,501	44,831	138,129
TOTAL RECEIVED	\$6,183,181	\$7,391,972	\$5,946,836	\$4,336,714	\$3,544,707	\$2,467,728	\$5,860,361	\$35,731,497
<u>DISBURSEMENTS</u>								
BOND REFUNDS	971,610	1,697,199	716,178	1,023,852	478,777	327,349	990,777	6,205,742
REMITTED TO STATE	1,058,040	1,510,109	1,430,551	514,256	727,767	448,105	933,559	6,622,388
REMITTED TO CITY	89,455	408,683	112,692	19,082	65,918	14,224	91,369	801,425
REMITTED TO COUNTY	2,395,938	2,520,382	2,190,956	1,800,132	1,540,031	1,176,030	2,080,555	13,704,025
CHANGE OF VENUE	999	1,360	547	207	412	225	480	4,230
RESTITUTION	567,411	625,562	410,414	276,055	396,855	169,402	501,318	2,947,017
POSTAGE (SMALL CLAIMS)	29,572	48,143	27,799	11,095	14,583	9,646	37,456	178,295
CHILD SUPPORT	890,727	936,162	969,209	556,914	391,318	284,069	900,451	4,928,851
CIVIL PASS THROUGH	11,610	4,788	16,263	1,736	6,692	2,455	8,701	52,244
ALIMONY	104,917	35,172	128,639	31,758	32,069	19,484	128,960	480,999
INTEREST-BEARING TRUST FUNDS	0	105,155	0	0	11,909	0	0	117,064
OTHER	12,324	14,417	12,157	29,351	6,921	7,588	43,624	126,381
TOTAL DISBURSED	\$6,132,603	\$7,907,131	\$6,015,406	\$4,264,439	\$3,673,253	\$2,458,577	\$5,717,251	\$36,168,660

* 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

	FY1999	FY2000	FY2001	FY2002	FY2003
<u>RECEIPTS</u>					
POSTED BONDS	4,516,974	4,187,792	4,611,487	5,714,321	5,791,708
CITY FINES	1,384,490	1,537,711	1,504,656	1,251,778	1,216,693
CITY COSTS	12,299	11,811	9,877	9,946	8,933
CITY FORFEITURES	3,591	2,292	3,894	3,511	2,526
COUNTY FINES/COSTS/FORFEITURES	4,549	8,418	25,168	35,853	29,484
STATE FINES	9,406,456	10,638,773	10,279,526	10,330,806	10,165,078
STATE COSTS	456,517	444,921	446,191	424,248	496,010
STATE FORFEITURES	221,105	206,506	229,036	418,932	274,108
LIQUIDATED COSTS	2,995,049	3,236,207	3,613,373	3,609,915	3,436,731
CT AUTOMATION - SRCHG / FAX / SEARCH / AT	1,053,776	1,935,212	2,192,848	2,240,394	2,335,340
VICTIM COMPENSATION - SURCHARGE	340,860	362,135	361,576	353,922	338,114
CASH FEES	880,185	869,913	937,234	909,643	913,008
DIVORCE FEES	143,565	149,737	141,390	137,290	136,220
LAW LIBRARY FEES	138,150	136,938	149,831	141,444	140,763
POSTAGE (SMALL CLAIMS)	115,035	112,038	127,538	158,510	178,295
PETTY OFFENSE	146,579	176,680	224,664	221,374	243,576
RESTITUTION	2,654,166	3,077,051	2,811,422	3,044,615	2,921,264
COURT APPOINTED ATTORNEY FEES *	1,017,749	1,148,993	1,174,022	1,159,909	1,315,988
NSF CHECK CHARGES	7,410	7,240	8,970	11,345	11,878
PASSPORT FEES	13,670	12,735	11,700	11,280	19,185
MARRIAGE FEES	24,480	23,100	23,100	21,340	21,660
DRUG TEST FEES	18,574	32,099	32,194	24,871	22,542
CHANGE OF VENUE	8,084	7,686	5,805	4,945	4,230
CHILD SUPPORT	13,581,245	9,922,726	7,578,700	5,911,698	4,928,851
CIVIL PASS THROUGH	96,647	89,887	79,898	111,812	52,244
ALIMONY	473,191	510,468	491,570	466,697	480,999
INTEREST-BEARING TRUST FUND	403,512	135,083	297,161	215,131	107,941
OTHER	57,062	54,648	87,260	56,732	138,129
<u>TOTAL RECEIVED</u>	\$40,183,454	\$39,038,800	\$37,460,089	\$37,002,260	\$35,731,497
<u>DISBURSEMENTS</u>					
BOND REFUNDS	3,855,265	3,916,234	4,227,093	5,033,140	6,205,742
REMITTED TO STATE	4,941,155	6,150,422	6,779,661	6,723,720	6,622,388
REMITTED TO CITY	914,550	1,012,812	990,433	825,883	801,425
REMITTED TO COUNTY	12,413,248	13,778,186	13,599,154	13,768,197	13,704,025
CHANGE OF VENUE	8,085	7,686	5,805	4,945	4,230
RESTITUTION	2,665,197	3,072,572	2,755,402	3,035,155	2,947,017
POSTAGE (SMALL CLAIMS)	115,035	112,038	127,538	158,510	178,295
CHILD SUPPORT **	13,581,245	9,922,726	7,578,700	5,911,698	4,928,851
CIVIL PASS THROUGH	96,646	89,887	79,898	111,812	52,244
ALIMONY	473,191	510,468	491,570	466,697	480,999
INTEREST-BEARING TRUST FUND	1,533,600	80,561	66,401	112,948	117,064
OTHER	56,190	52,394	84,503	60,836	126,381
<u>TOTAL DISBURSED</u>	\$40,661,891	\$38,705,986	\$36,786,158	\$36,213,539	\$36,168,660

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

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

Receipts

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

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

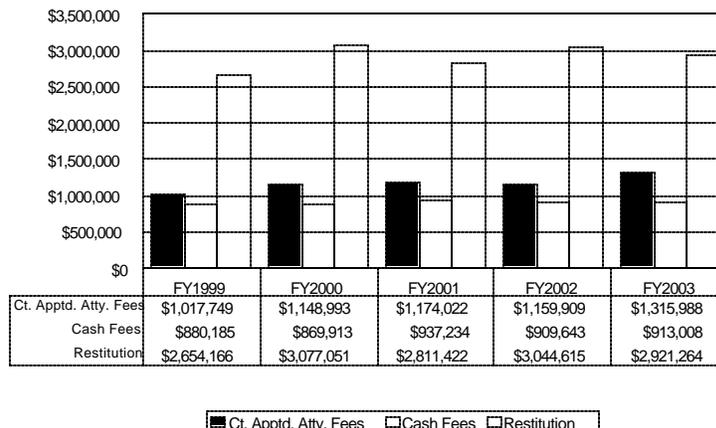
Cash fees is money paid by the public for services rendered by the court. Cash fees include such things as filing fees (the fee paid at the beginning of noncriminal court actions such as divorces or small claims actions), fees for providing certified transcripts of records, and fees paid for photocopying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

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

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

Chart 9 on page 28 compares total costs and repayment of court-appointed attorney expenses over the five most recent fiscal years.

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



Fines and Costs

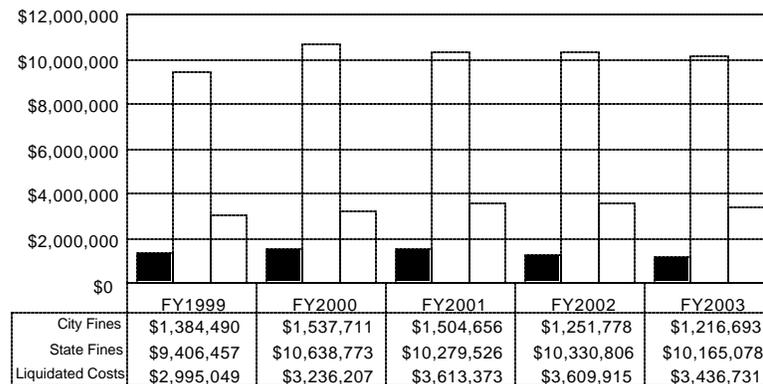
Chart 4, below, compares fines and liquidated costs collected for criminal cases over the last five years. **State fines** are fines assessed for violations of state laws and go to the school district of the county in which the violation occurred. **City fines** are fines assessed for violations of municipal ordinances and are returned to the city general fund (65%) and the state general fund (35%). **Liquidated costs** of \$25.00 are added to all fines for violations of state statutes, criminal offenses, and county or municipal traffic regulations (SDCL 23-3-52). The court occasionally waives all or part of the liquidated cost assessment if a defendant's financial hardship is evident.

Liquidated costs are split in compliance with SDCL 23-3-53. Approxi-

mately 77% is used for law enforcement training (highway safety training, operating the drug enforcement unit, purchasing state law enforcement equipment, operating the state crime laboratory, training corrections personnel, prosecutors and UJS personnel) and 23% is returned to the counties on a percentage basis to assist in paying public defenders and court-appointed attorneys, operating costs associated with the 911 telecommunicator training, and costs associated with the defense for abused and neglected children. Liquidated costs are distributed annually by the State Treasurer in accordance with SDCL 23-3-53 as illustrated in Table 9 on page 29.

During the past five years city fines, state fines, and liquidated costs have remained relatively constant.

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



■ City Fines □ State Fines □ Liquidated Costs

Child Support

Chart 5 compares total receipts to child support receipts. Child support receipts are the largest single type of receipt processed by clerks of court. The clerk maintains a complete record of payments received and either holds the money or forwards it based on arrangements made with the recipient parent.

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

Disbursements

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

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

Disbursements to the state include liquidated costs and the 35% of city fines mentioned above. The state remittance over the past three years has remained steady.

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

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

Chart 5. FY2003 UJS Selected Disbursements

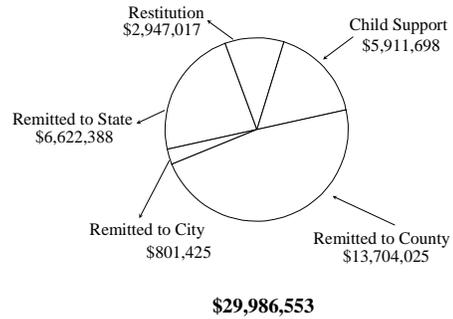


Chart 6. UJS Selected Disbursements Compared

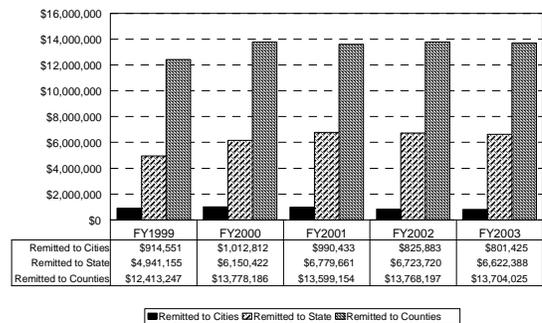


Chart 7. UJS Selected Revenue Disbursements

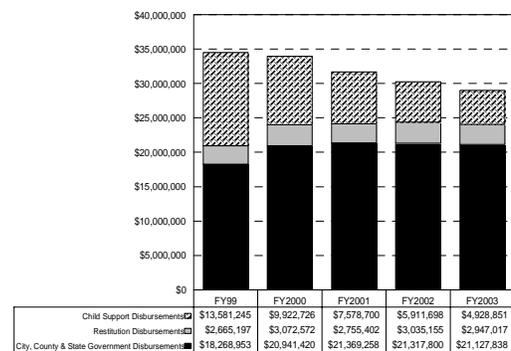


Table 8. COMPARISON OF STATE FINE RECEIPTS BY COUNTY AND CIRCUIT

COUNTIES:					COUNTIES:				
	FY2001	FY2002	FY2003	% Change FY01/FY03		FY2001	FY2002	FY2003	% Change FY01/FY03
1st CIRCUIT					4th CIRCUIT				
Aurora	\$44,918	\$43,572	\$39,045	-13.1%	Butte	\$86,859	\$133,619	\$95,977	10.5%
Bon Homme	\$51,831	\$58,550	\$52,769	1.8%	Corson	\$15,429	\$12,536	\$20,959	35.8%
Brule	\$99,566	\$89,962	\$90,211	-9.4%	Dewey	\$7,754	\$9,412	\$10,097	30.2%
Charles Mix	\$125,055	\$139,607	\$116,818	-6.6%	Harding	\$23,290	\$11,117	\$4,744	-79.6%
Clay	\$224,379	\$196,486	\$177,726	-20.8%	Lawrence	\$548,711	\$491,994	\$487,182	-11.2%
Davison	\$287,253	\$330,176	\$319,087	11.1%	Meade	\$629,132	\$739,424	\$746,388	18.6%
Douglas	\$25,071	\$27,397	\$19,124	-23.7%	Perkins	\$30,673	\$32,513	\$47,258	54.1%
Hanson	\$44,565	\$39,538	\$40,747	-8.6%	Ziebach	\$12,363	\$5,321	\$7,542	-39.0%
Hutchinson	\$64,232	\$62,505	\$44,178	-31.2%	TOTAL	\$1,354,212	\$1,435,936	\$1,420,147	4.9%
McCook	\$43,029	\$49,491	\$45,687	6.2%	5th CIRCUIT				
Turner	\$47,980	\$54,473	\$53,200	10.9%	Brown	\$376,966	\$376,347	\$382,796	1.5%
Union	\$654,513	\$578,637	\$570,808	-12.8%	Campbell	\$12,525	\$43,831	\$39,651	216.6%
Yankton	\$412,228	\$339,924	\$335,938	-18.5%	Day	\$71,560	\$75,362	\$89,610	25.2%
TOTAL	\$2,124,620	\$2,010,317	\$1,905,337	-10.3%	Edmunds	\$44,546	\$50,596	\$46,783	5.0%
2nd CIRCUIT					Faulk	\$31,991	\$36,373	\$30,798	-3.7%
Lincoln	\$248,791	\$272,486	\$277,137	11.4%	Marshall	\$39,686	\$35,946	\$42,537	7.2%
Minnehaha	\$1,578,829	\$1,475,247	\$1,393,868	-11.7%	McPherson	\$6,493	\$5,890	\$8,183	26.0%
TOTAL	\$1,827,621	\$1,747,734	\$1,671,005	-8.6%	Roberts	\$325,460	\$302,294	\$297,824	-8.5%
3rd CIRCUIT					Spink	\$68,847	\$75,772	\$62,269	-9.6%
Beadle	\$213,980	\$203,970	\$207,780	-2.9%	Walworth	\$139,849	\$161,506	\$177,965	27.3%
Brookings	\$395,106	\$394,032	\$400,851	1.5%	TOTAL	\$1,117,924	\$1,163,917	\$1,178,416	5.4%
Clark	\$32,884	\$58,884	\$43,226	31.5%	6th CIRCUIT				
Codington	\$373,699	\$335,659	\$316,937	-15.2%	Bennett	\$49,458	\$52,341	\$49,785	0.7%
Deuel	\$51,438	\$62,122	\$56,700	10.2%	Gregory	\$50,119	\$42,125	\$38,303	-23.6%
Grant	\$89,621	\$104,868	\$86,025	-4.0%	Haakon	\$42,677	\$17,965	\$26,407	-38.1%
Hamlin	\$38,302	\$54,322	\$56,744	48.2%	Hughes	\$216,542	\$217,213	\$250,419	15.6%
Hand	\$20,321	\$30,302	\$36,720	80.7%	Hyde	\$26,648	\$27,082	\$19,879	-25.4%
Jerauld	\$21,328	\$18,745	\$32,307	51.5%	Jackson	\$86,454	\$154,385	\$85,009	-1.7%
Kingbury	\$47,954	\$56,777	\$50,107	4.5%	Jones	\$48,942	\$44,901	\$27,789	-43.2%
Lake	\$144,336	\$141,251	\$142,400	-1.3%	Lyman	\$105,845	\$140,272	\$111,052	4.9%
Miner	\$22,841	\$21,047	\$25,325	10.9%	Mellette	\$18,384	\$20,279	\$19,842	7.9%
Moody	\$130,177	\$145,427	\$128,787	-1.1%	Potter	\$39,847	\$42,684	\$39,848	0.0%
Sanborn	\$33,139	\$24,557	\$24,589	-25.8%	Stanley	\$81,617	\$53,845	\$76,026	-6.9%
TOTAL	\$1,615,125	\$1,651,965	\$1,608,497	-0.4%	Sully	\$60,482	\$35,732	\$38,558	-36.2%
					Todd/Tripp	\$68,466	\$93,920	\$83,596	22.1%
					TOTAL	\$895,483	\$942,746	\$866,514	-3.2%
					7th CIRCUIT				
					Custer	\$91,987	\$85,655	\$95,091	3.4%
					Fall River/Shannon	\$94,989	\$115,034	\$160,437	68.9%
					Pennington	\$1,157,565	\$1,177,502	\$1,259,635	8.8%
					TOTAL	\$1,344,542	\$1,378,191	\$1,515,163	12.7%

				% CHANGE FROM FY01/FY03
STATE	FY2001	FY2002	FY2003	
TOTALS	\$10,279,526	\$10,330,806	\$10,165,078	-1.1%

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 15% of the court-appointed attorney costs incurred. This figure is shown in the second column of Table 9 on page 29.

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

Chart 8 on page 28 graphically compares court-appointed attorney costs and repayment by circuit for the past fiscal year. The Minnehaha (Second Circuit) and Pennington County (Seventh Circuit) Public Defender's Offices have full-time legal staffs funded by the counties to provide for the defense of economically disadvantaged persons accused of crimes. Lawrence and Butte Counties (Fourth Circuit) also share the expense of a full-time public defender's office.

The data contained in Table 10 on page 30 shows the raw approximate average cost to each county for each court-appointed attorney case. This average does not include costs recovered by the counties either from direct payments by defendants, state reimbursements, or county lien collection efforts. When cost recovery is included in the calculation, the average payment per appointment is substantially lower. These costs were computed by dividing the total payment for the fiscal year by the total number of court-appointed attorney cases. Table 10 also shows the percentage of total Class 1 misdemeanor and felony filings which resulted in court appointment of an attorney.

Chart 8 on page 28 shows that the gap between the cost of court-appointed attorneys and the amount the UJS collects has increased over the past five years. The cost for court

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

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

Chart 8. Court-Appointed Attorney Costs Compared to Repayment by Circuit - FY2003

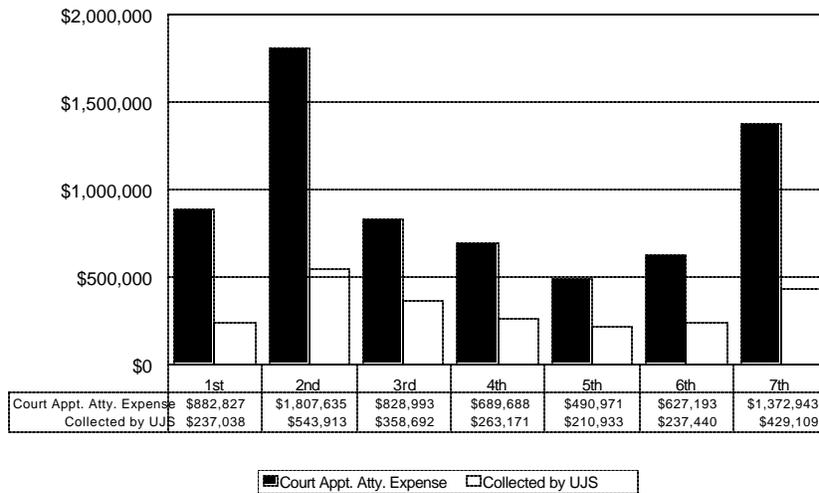
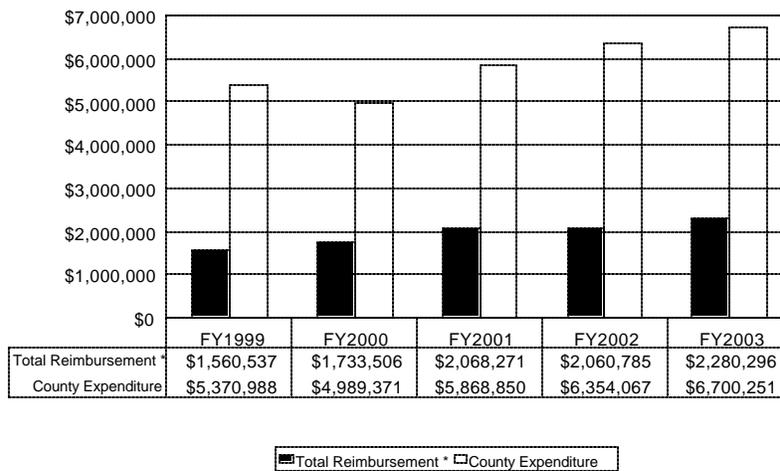


Chart 9. Court-Appointed Attorney Cost Payback by Fiscal Year



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

**Table 9. COUNTY EXPENDITURES AND REPAYMENT
FOR COURT-APPOINTED ATTORNEYS - FY2003**

Circuits and Counties	Total Paid By County	Allocated by Statute	Paid by Defendant *	Collected by UJS	Percent Paid
1st CIRCUIT					
Aurora	\$23,963	\$2,958	\$8,771	\$11,729	48.9%
Bon Homme	\$12,254	\$1,630	\$4,206	\$5,836	47.6%
Brule-Buffalo	\$55,784	\$6,885	\$6,236	\$13,121	23.5%
Charles Mix	\$124,596	\$15,468	\$16,713	\$32,181	25.8%
Clay	\$54,426	\$9,258	\$6,471	\$15,729	28.9%
Davison	\$183,729	\$33,179	\$1,527	\$34,706	18.9%
Douglas	\$18,840	\$2,325	\$1,998	\$4,324	22.9%
Hanson	\$22,247	\$2,981	\$2,026	\$5,007	22.5%
Hutchinson	\$27,540	\$5,540	\$2,096	\$7,635	27.7%
McCook	\$72,663	\$12,485	\$3,138	\$15,623	21.5%
Turner	\$71,344	\$10,786	\$2,397	\$13,183	18.5%
Union	\$110,848	\$15,628	\$20,493	\$36,122	32.6%
Yankton	\$104,594	\$14,410	\$27,433	\$41,843	40.0%
TOTAL	\$882,827	\$133,532	\$103,506	\$237,038	26.8%
2nd CIRCUIT					
Lincoln	\$113,071	\$16,281	\$24,420	\$40,701	36.0%
Minnehaha	\$1,694,564	\$216,943	\$286,269	\$503,212	29.7%
TOTAL	\$1,807,635	\$233,223	\$310,689	\$543,913	30.1%
3rd CIRCUIT					
Beadle	\$152,428	\$21,315	\$47,542	\$68,857	45.2%
Brookings	\$169,665	\$26,200	\$62,686	\$88,885	52.4%
Clark	\$10,484	\$1,294	\$3,010	\$4,304	41.0%
Codington	\$220,130	\$27,239	\$48,429	\$75,667	34.4%
Deuel	\$43,728	\$5,998	\$5,023	\$11,021	25.2%
Grant	\$35,713	\$5,783	\$7,369	\$13,152	36.8%
Hamlin	\$29,720	\$3,668	\$4,699	\$8,367	28.2%
Hand	\$6,103	\$897	\$4,053	\$4,950	81.1%
Jerauld	\$9,679	\$1,311	\$8,337	\$9,648	99.7%
Kingsbury	\$23,862	\$2,945	\$8,187	\$11,132	46.7%
Lake	\$47,945	\$7,536	\$13,292	\$20,827	43.4%
Miner	\$15,744	\$1,943	\$733	\$2,677	17.0%
Moody	\$54,197	\$11,271	\$24,184	\$35,455	65.4%
Sanborn	\$9,598	\$1,185	\$2,564	\$3,749	39.1%
TOTAL	\$828,993	\$118,584	\$240,107	\$358,692	43.3%
4th CIRCUIT					
Butte	\$73,068	\$24,294	\$16,043	\$40,337	55.2%
Corson	\$3,380	\$4,770	\$2,103	\$6,873	203.4%
Dewey	\$1,978	\$244	\$1,164	\$1,408	71.2%
Harding	\$4,028	\$685	\$2,295	\$2,980	74.0%
Lawrence	\$330,291	\$43,959	\$68,594	\$112,552	34.1%
Meade	\$245,313	\$32,825	\$44,688	\$77,512	31.6%
Perkins	\$30,100	\$5,165	\$14,935	\$20,100	66.8%
Ziebach	\$1,531	\$189	\$1,220	\$1,409	92.1%
TOTAL	\$689,688	\$112,131	\$151,040	\$263,171	38.2%
5th CIRCUIT					
Brown	\$266,063	\$38,908	\$71,108	\$110,016	41.3%
Campbell	\$1,403	\$506	\$1,830	\$2,336	166.5%
Day	\$34,366	\$4,496	\$9,064	\$13,559	39.5%
Edmunds	\$2,883	\$356	\$363	\$719	24.9%
Faulk	\$559	\$69	\$935	\$1,004	179.7%
Marshall	\$23,108	\$2,852	\$9,191	\$12,043	52.1%
McPherson	\$2,422	\$913	\$0	\$913	37.7%
Roberts	\$93,160	\$11,504	\$22,134	\$33,638	36.1%
Spink	\$37,454	\$4,646	\$9,710	\$14,356	38.3%
Walworth	\$29,555	\$4,739	\$17,609	\$22,348	75.6%
TOTAL	\$490,971	\$68,988	\$141,945	\$210,933	43.0%
6th CIRCUIT					
Bennett	\$58,386	\$10,300	\$15,587	\$25,887	44.3%
Gregory	\$48,642	\$7,763	\$9,053	\$16,816	34.6%
Haakon	\$8,607	\$1,062	\$2,063	\$3,125	36.3%
Hughes	\$178,761	\$25,872	\$44,405	\$70,277	39.3%
Hyde	\$8,923	\$1,964	\$2,475	\$4,439	49.7%
Jackson	\$26,179	\$3,860	\$7,830	\$11,690	44.7%
Jones	\$20,944	\$3,859	\$2,375	\$6,234	29.8%
Lyman	\$40,740	\$5,029	\$14,454	\$19,482	47.8%
Mellette	\$63,963	\$11,518	\$4,664	\$16,182	25.3%
Potter	\$10,846	\$1,339	\$4,940	\$6,279	57.9%
Stanley	\$48,740	\$6,016	\$12,917	\$18,933	38.8%
Sully	\$10,580	\$1,306	\$2,512	\$3,818	36.1%
Todd/Tripp	\$101,880	\$15,576	\$18,700	\$34,276	33.6%
TOTAL	\$627,193	\$95,464	\$141,976	\$237,440	37.9%
7th CIRCUIT					
Custer	\$86,325	\$15,748	\$17,530	\$33,278	38.5%
Fall River/Shannon	\$120,897	\$16,253	\$32,627	\$48,879	40.4%
Pennington	\$1,165,720	\$170,384	\$176,568	\$346,952	29.8%
TOTAL	\$1,372,943	\$202,385	\$226,724	\$429,109	31.3%

STATE TOTALS	Total Paid By County	Allocated by Statute	Paid by Defendant *	Collected by UJS	Percent Paid
TOTALS	\$6,700,251	\$964,308	\$1,315,988	\$2,280,296	34.0%

* 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 - FY2003

Circuits and Counties	Total Paid By County	Appoint-ments	Misd. 1 & Felony Dispos'n	Avg. Pmt. Per Appt.	Appts. as % of Dispos'n
1st CIRCUIT					
Aurora	\$23,963	17	74	\$1,410	23.0%
Bon Homme	\$12,254	32	121	\$383	26.4%
Brule-Buffalo	\$55,784	60	156	\$930	38.5%
Charles Mix	\$124,596	179	420	\$696	42.6%
Clay	\$54,426	76	397	\$716	19.1%
Davison	\$183,729	369	789	\$498	46.8%
Douglas	\$18,840	5	33	\$3,768	15.2%
Hanson	\$22,247	27	65	\$824	41.5%
Hutchinson	\$27,540	10	66	\$2,754	15.2%
McCook	\$72,663	24	75	\$3,028	32.0%
Turner	\$71,344	50	125	\$1,427	40.0%
Union	\$110,848	163	759	\$680	21.5%
Yankton	\$104,594	187	833	\$559	22.4%
TOTAL	\$882,827	1,199	3,913	\$736	30.6%
2nd CIRCUIT					
Lincoln	\$113,071	153	562	\$739	27.2%
Minnehaha	\$1,694,564	3,140	6,103	\$540	51.5%
TOTAL	\$1,807,635	3,293	6,665	\$1,279	49.4%
3rd CIRCUIT					
Beadle	\$152,428	175	458	\$871	38.2%
Brookings	\$169,665	203	885	\$836	22.9%
Clark	\$10,484	14	61	\$749	23.0%
Codington	\$220,130	191	712	\$1,153	26.8%
Deuel	\$43,728	27	69	\$1,620	39.1%
Grant	\$35,713	41	117	\$871	35.0%
Hamlin	\$29,720	22	74	\$1,351	29.7%
Hand	\$6,103	0	47	\$0	0.0%
Jerauld	\$9,679	14	46	\$691	30.4%
Kingsbury	\$23,862	25	75	\$954	33.3%
Lake	\$47,945	82	297	\$585	27.6%
Miner	\$15,744	4	33	\$3,936	12.1%
Moody	\$54,197	84	267	\$645	31.5%
Sanborn	\$9,598	7	38	\$1,371	18.4%
TOTAL	\$828,993	889	3,179	\$933	28.0%

STATE TOTALS	Total Paid By County	Appoint-ments	Misd. 1 & Felony Dispos'n	Avg. Pmt. Per Appt.*	Appts. as % of Dispos'n
	\$6,700,251	10,318	26,854	\$649	38.4%

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	\$73,068	116	298	\$630	38.9%
Corson	\$3,380	4	27	\$845	14.8%
Dewey	\$1,978	8	23	\$247	34.8%
Harding	\$4,028	7	11	\$575	63.6%
Lawrence	\$330,291	385	1,433	\$858	26.9%
Meade	\$245,313	289	1,064	\$849	27.2%
Perkins	\$30,100	35	104	\$860	33.7%
Ziebach	\$1,531	2	9	\$766	22.2%
TOTAL	\$689,688	846	2,969	\$815	28.5%
5th CIRCUIT					
Brown	\$266,063	330	1,184	\$806	27.9%
Campbell	\$1,403	2	15	\$702	13.3%
Day	\$34,366	62	177	\$554	35.0%
Edmunds	\$2,883	5	71	\$577	7.0%
Faulk	\$559	1	32	\$559	3.1%
Marshall	\$23,108	28	106	\$825	26.4%
McPherson	\$2,422	0	6	\$0	0.0%
Roberts	\$93,160	223	515	\$418	43.3%
Spink	\$37,454	20	114	\$1,873	17.5%
Walworth	\$29,555	68	297	\$435	22.9%
TOTAL	\$490,971	739	2,517	\$664	29.4%
6th CIRCUIT					
Bennett	\$58,386	129	204	\$453	63.2%
Gregory	\$48,642	39	85	\$1,247	45.9%
Haakon	\$8,607	15	55	\$574	27.3%
Hughes	\$178,761	349	669	\$512	52.2%
Hyde	\$8,923	6	26	\$1,487	23.1%
Jackson	\$26,179	40	166	\$654	24.1%
Jones	\$20,944	16	37	\$1,309	11.9%
Lyman	\$40,740	64	134	\$637	67.4%
Mellette	\$63,963	60	95	\$1,066	157.9%
Potter	\$10,846	11	38	\$986	10.1%
Stanley	\$48,740	50	109	\$975	76.9%
Sully	\$10,580	0	65	\$0	0.0%
Todd/Tripp	\$101,880	94	182	\$1,084	51.6%
TOTAL	\$627,193	873	1,865	\$718	46.8%
7th CIRCUIT					
Custer	\$86,325	54	183	\$1,599	29.5%
Fall River/Shannon	\$120,897	172	362	\$703	47.5%
Pennington	\$1,165,720	2,253	5,201	\$517	43.3%
TOTAL	\$1,372,943	2,479	5,746	\$554	43.1%

* Does not include county reimbursements which substantially lowers the average payment per appointment to \$428 per case.
 (\$6,700,251-\$2,280,296 = \$4,419,955/10,318 = \$428)

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. FY2003 MILEAGE BY JUDICIAL PERSONNEL

Judae or Magistrate	Mileage	Judae or Magistrate	Mileage	Judae or Magistrate	Mileage
<u>First Circuit:</u>		<u>Third Circuit</u>		<u>Sixth Circuit:</u>	
Anderson, B.	6,794	Erickson	4,376	Anderson	10,632
Anderson, L.	8,602	Gienapp	7,428	Gors	16,050
Cody	6,300	Pierce	9,451	Myren	4,868
Eng	8,426	Roehr	7,351	Trandahl	11,286
Kiner	3,067	Steele	10,034	Wilbur	7,824
McMurchie	16,126	Timm	5,502	TOTAL	50,660
Miller	5,976	Tucker	10,228		
Rusch	6,470	TOTAL	54,370	<u>Seventh Circuit:</u>	
Tappe	1,042			Davis	480
TOTAL	62,803	<u>Fourth Circuit:</u>		Kern	950
		Bastian	6,364	O'Connor	2,400
<u>Second Circuit:</u>		Johnson	4,717	Pahlke	2,190
Caldwell	452	Macy	2,205	Delaney	1,920
Gregory	550	Moses	900	Severns	4,335
Irvine	850	Johns	4,311	Tice	2,300
Kean	984	Oswald	1,050	Trimble	4,126
Lieberman	0	Eckrich	3,479	TOTAL	18,701
Meierhenry	100	TOTAL	23,026		
Riepel	700	<u>Fifth Circuit:</u>			
Sage	930	Dobberpuhl	9,122		
Severson	0	Flemmer	11,246		
Srstka	912	Portra	12,158		
Tiede	5,358	Lovrien	13,096		
TOTAL	10,836	Von Wald	10,161		
		TOTAL	55,783	STATE TOTAL	276,179

**Table 12. FY2003 MILEAGE BY COURT SERVICES PERSONNEL
FOR OFFICIAL FUNCTIONS**

Officer	Mileage	Officer	Mileage	Officer	Mileage
<u>First Circuit:</u>		<u>Third Circuit:</u>		<u>Sixth Circuit:</u>	
Berndt	1,800	Butler	3,923	Birkeland	12,948
Halverson	17,069	Goldsmith	488	Brozik	9,517
Dringman	5,623	Kjellsen	6,140	Christensen	4,142
Foltz	2,578	Mielke	57	Connot	15,695
Freeman	6,980	Moen	2,956	Lindner	7,070
Frieberg	858	Nihart	3,128	Petersen	5,652
Gropper (Intensive)	5,535	Ramlo	6,421	TOTAL	55,024
Hofer (Intensive)	12,356	Schneider	1,468	<u>Seventh Circuit:</u>	
Max	2,666	Tappe	5,370	Battista	252
McNeely	239	Ramynke	0	Dansby	536
Nelsen	7,271	Wheelborg (Intensive)	1,790	Drew (Intensive)	4,749
Pepper (Intensive)	21,750	TOTAL	31,741	Gordon	587
Priebe	13,482	<u>Fourth Circuit:</u>		Horner	360
Sudbeck (Intensive)	11,700	Baloun	7,361	Mann	569
TOTAL	109,907	Burg (Intensive)	21,603	Mitchell (Intensive)	13,474
<u>Second Circuit:</u>		Coacher	5,090	Nagel	1,999
Adler	317	Gallagher	3,358	Osborne	6,991
Ahrendt	1,804	Jacobson	5,166	Peterson	3,853
Aman	1,190	Nedved	1,362	Pingrey	15,266
Berthelson	380	Portwood	7,118	Richter	201
Gravett (Intensive)	6,486	TOTAL	51,058	Sayler	4,170
Hall	2,047	<u>Fifth Circuit:</u>		Stephens (Intensive)	7,262
Hoffmann	1,026	Archer	10,348	Wright (Intensive)	6,717
Jaqua	408	Hansen	6,235	TOTAL	66,986
Kary	176	Ingemansen (Intensive)	7,867	STATE TOTAL	
LeMair	929	Rau	1,749		414,612
Lillestol (Intensive)	10,689	Rice (Intensive)	8,916		
Pfizer	472	Simons	14,113		
Smith	216	Spiry	7,743		
Trove	46	Sutherland	5,659		
Tveidt	385	Waldrop (Intensive)	8,635		
Weber	12	TOTAL	71,265		
Wolfgang	732				
Willis	1,316				
TOTAL	28,631				

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

Chart 10. FY2003 Mileage Comparison by Circuit

