

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), 43 circuit judges and 15 full-time magistrate judges and 1 part-time magistrate judge. 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.

Seven Presiding Judges and 36 Circuit Court Judges in seven 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:

15 full-time and one part-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:

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

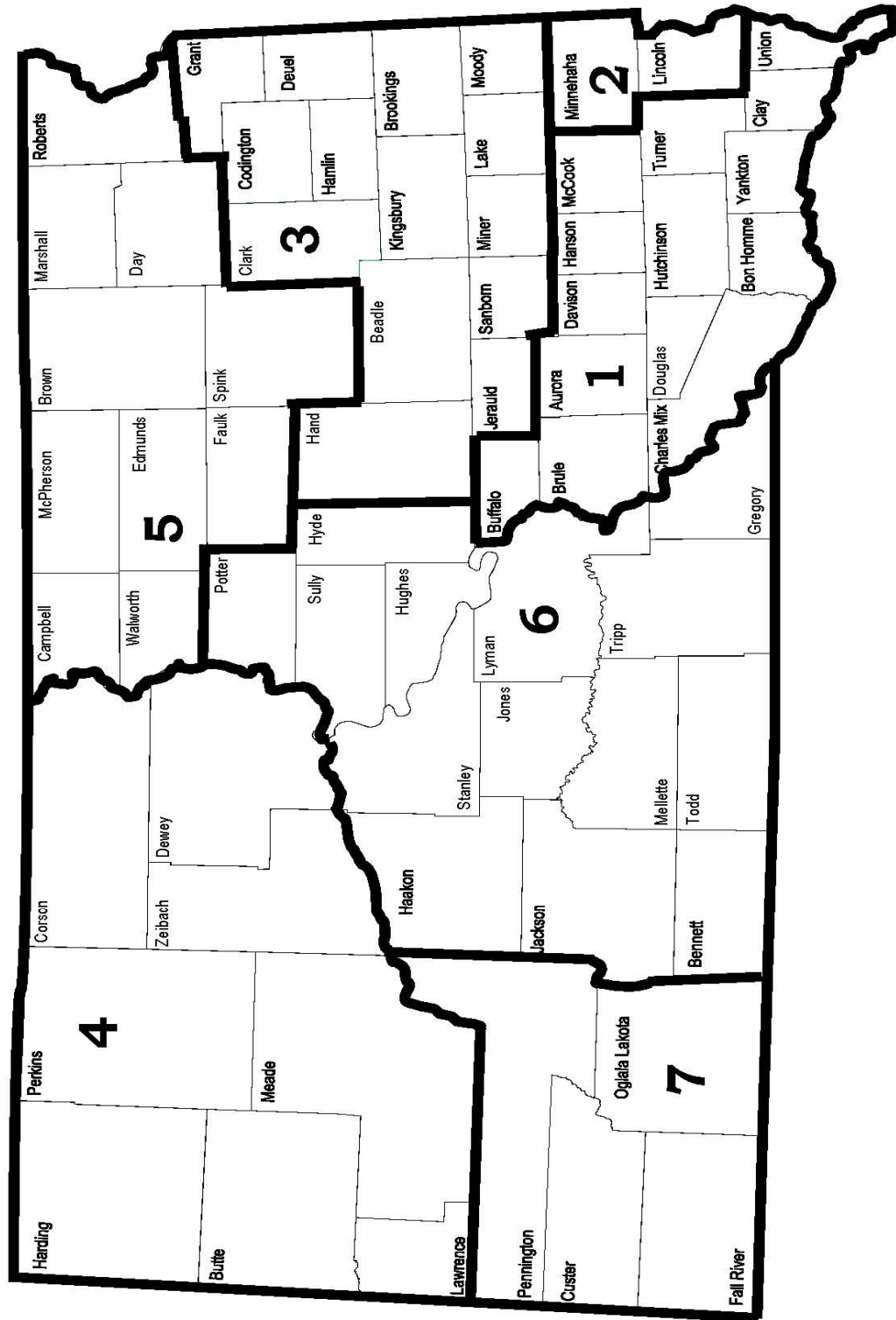


Table 3. South Dakota Unified Judicial System
Statewide Workload
Five-Year Caseload Filings

	FY2015 Filings	FY2016 Filings	FY2017 Filings	FY2018 Filings	FY2019 Filings
Class 2 Misdemeanor Non-Contested ¹ Filings	88,747	92,154	94,561	86,150	77,821
Class 2 Misdemeanor Contested ¹ Filings	23,576	22,291	19,670	29,634	26,605
Class 1 Misdemeanor Filings	20,979	22,055	21,884	22,144	20,827
Felony & Extrajudicial Filings	10,392	10,800	11,512	12,259	12,527
TOTAL CRIMINAL	143,694	147,300	147,627	150,187	137,780
Divorce Filings	4,479	4,447	4,413	4,032	4,104
Protection Order Filings	4,352	4,647	4,589	4,549	4,244
Modification Proceedings/UJFSA Filings	7,059	7,376	7,342	6,364	6,140
Juvenile Dependency & Neglect Filings	608	567	562	662	607
Juvenile Delinquency & CHINS Filings	5,733	4,381	4,177	4,418	4,557
Juvenile Citations ²	N/A	N/A	2,643	1,519	1,344
Adoptions/Guardianships/Trusts/Term of Parental Rights Filings	869	1,554	1,327	1,254	1,487
Probate (Informal) Filings	2,321	2,108	2,202	2,208	2,095
Probate (Formal) Filings	261	253	260	242	246
Mental Illness & Drug & Alcohol Commitment Filings	4,730	5,005	4,789	4,971	4,896
Civil Filings	13,590	13,699	13,189	14,227	13,079
Small Claims Filings	28,903	27,701	28,916	26,111	26,949
Search Warrants	3,055	3,711	3,765	4,178	4,228
Administrative Appeals & Expungements	133	235	186	168	204
TOTAL CIVIL FILINGS	76,093	75,684	78,360	74,903	74,180
TOTAL CRIMINAL & CIVIL FILINGS	219,787	222,984	225,987	225,090	211,960
MISCELLANEOUS ACTIVITIES					
Supreme Court Appeals	282	298	271	243	276
Record Searches & Money Judgment Searches	201,333	153,499	192,131	204,680	230,176
Passport Applications	962	629	724	722	933
Weddings	787	824	632	524	483

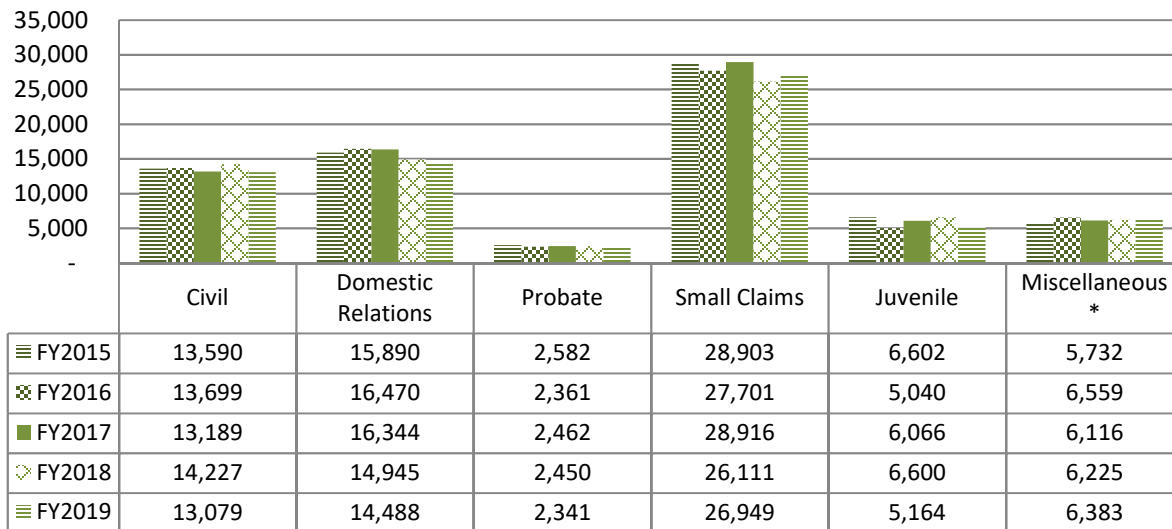
¹ Includes petty offense filings and municipal ordinance violations.

² Beginning in FY2017, Juvenile Citations were included.

Civil Caseload

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

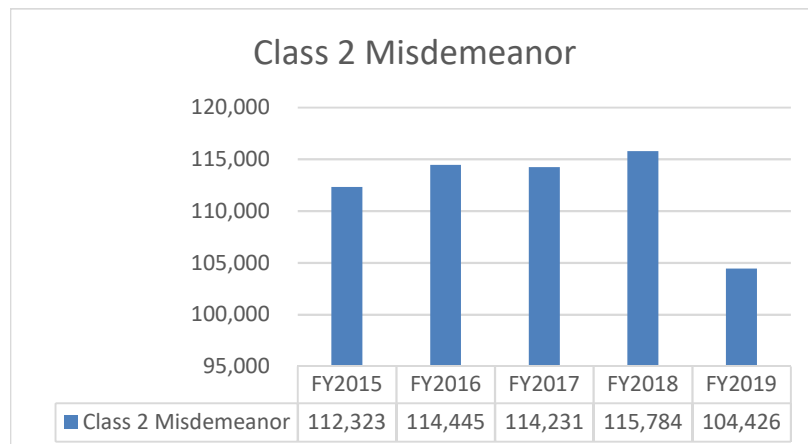
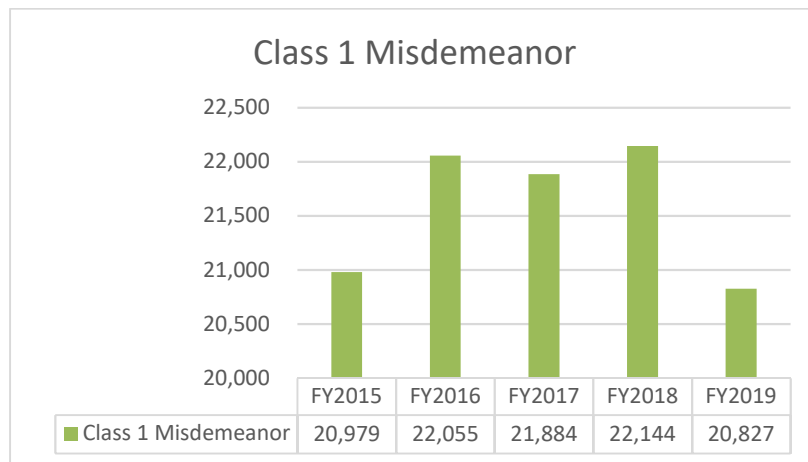
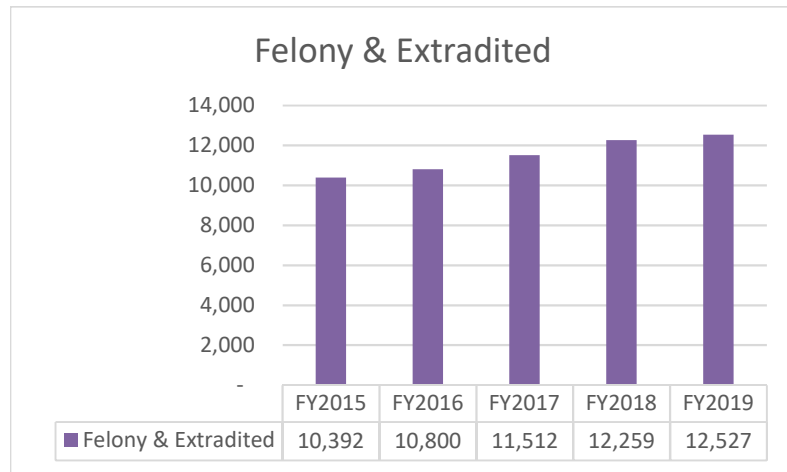
Chart 6. Civil Caseload Comparison



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

Criminal Caseload

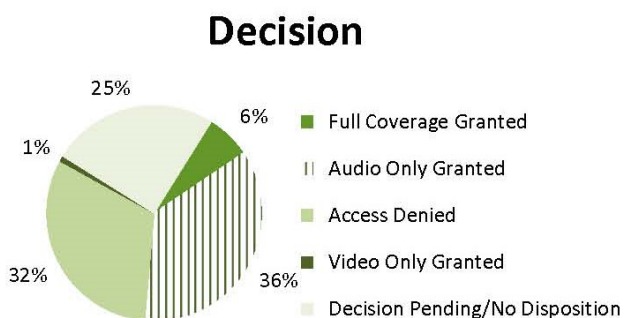
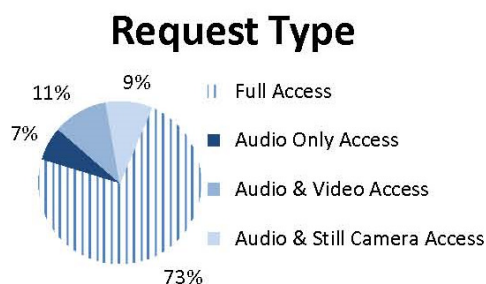
The following chart below compares criminal case filings for the past five fiscal years. Felony and Extradited filings have increased steadily in the past five fiscal years while misdemeanors have decreased.



**Table 4. Expanded Media Coverage Summary Statewide
South Dakota Unified Judicial System
FY2012 through FY2019 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	60	14	2	10	5	6	120
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	2	0	13
Audio & Still Camera Access	3	1	1	1	3	2	0	11
Decision:								
Full Coverage Granted	0	5	2	0	0	1	0	8
Audio Only Granted	9	28	2	0	1	3	0	43
Access Denied	10	12	1	2	6	1	6	38
Video Only Granted	0	1	0	0	0	0	0	1
Decision Pending/No Disposition	4	14	9	0	3	0	0	30



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

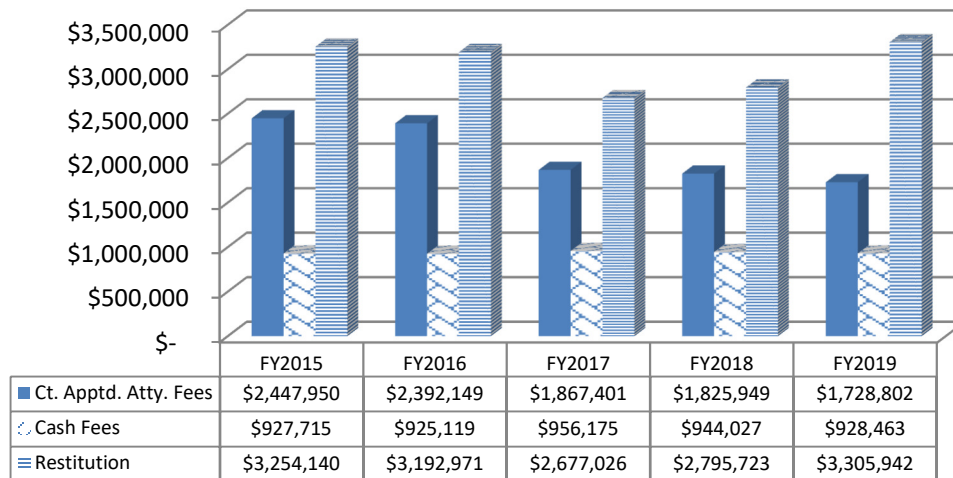
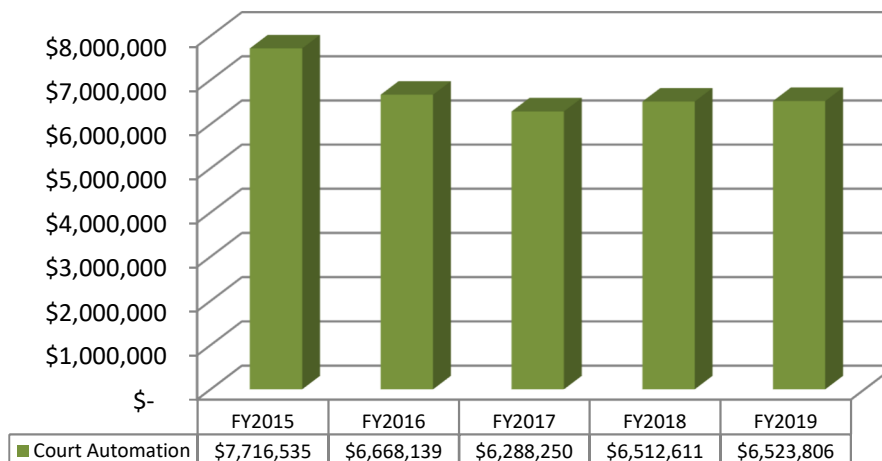


Chart 9 below shows court automation receipts for the past five fiscal years. Court Automation is a surcharge assessed on all criminal prosecutions and civil actions to fund court automation costs including development of the new statewide case management system.

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

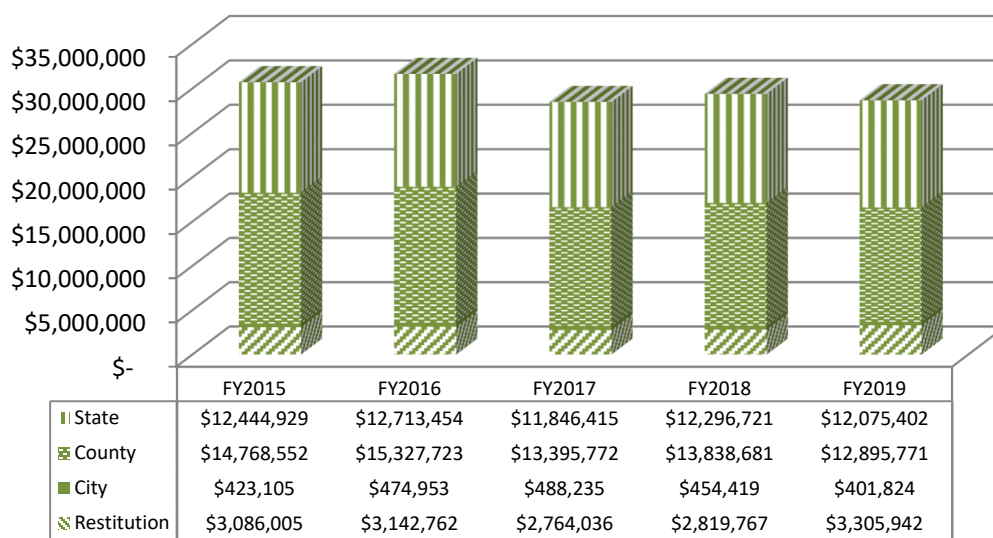


Table 5. CLERK OF COURT RECEIPTS AND DISBURSEMENTS COMPARISON

RECEIPTS \$\$\$	FY2015	FY2016	FY2017	FY2018	FY2019
ADULT COMPACT FEES	19,558	19,523	20,200	21,250	21,930
ALIMONY	2,135	12	562	12	612
CASH FEES	927,715	925,119	956,175	944,027	928,463
CHILD SUPPORT *	6,404	8,276	20,800	6,850	8,956
CITY COSTS	1,715	7,653	6,116	7,331	5,686
CITY FINES	664,379	701,221	746,866	666,878	608,109
CITY FORFEITURES	52	163	426	-	421
CITY PENALTIES	10,047	13,864	7,364	6,032	4,284
CIVIL PASS THROUGH	3,447	3,583	391,507	15,448	192,155
CIVIL PENALTIES	1,050	50	300	150	0
COLLECTIONS AGENCY PASS THROUGH	-	-	31,761	24,848	20,909
COUNTY COSTS	614,233	638,461	586,535	641,192	604,614
COUNTY FINES	10,494	9,193	10,043	10,012	5,600
COUNTY FORFEITURES	1,460	4,250	1,775	6,490	1,800
COUNTY PENALTIES	181	465	435	217	260
COURT APPOINTED ATTORNEY FEES **	2,447,950	2,392,149	1,867,401	1,825,949	1,728,802
DIVORCE FEES	120,827	124,513	121,500	117,400	124,950
DOMESTIC ABUSE SURCHARGE	16,721	17,840	14,889	15,170	13,742
DRAW DOWN ACCOUNTS	4,276,153	4,546,096	4,824,266	5,466,796	5,979,049
DRUG CONTROL FEE	133,924	139,671	115,434	128,992	140,943
DRUG TEST FEES AND MONITORING FEES	11,222	14,452	14,231	14,070	12,451
DUI COST	-	119,674	192,450	213,468	195,607
INTEREST-BEARING TRUST FUNDS	89,935	914	257	237,473	71
LAW LIBRARY FEES	133,054	137,615	158,205	140,507	139,701
LIQUIDATED COSTS	4,237,365	4,265,589	4,022,346	3,976,940	3,654,420
MARRIAGE FEES	15,740	16,240	12,450	10,480	9,660
CHILD SUPPORT MODIFICATION FEES	60,550	56,260	59,830	111,525	121,050
NSF CHECK CHARGES	5,190	6,341	6,008	4,315	4,229
OTHER-OVERPAYMENTS	20,167	21,647	21,578	16,193	23,015
PASSPORT FEES	24,050	19,150	18,303	17,955	23,275
PETTY OFFENSE	241,733	216,967	219,537	313,371	267,804
POSTAGE (SMALL CLAIMS)	220,150	226,550	302,259	229,991	243,579
POSTED BONDS	10,381,817	8,601,411	8,742,973	12,427,217	8,184,533
RESTITUTION	3,254,140	3,192,971	2,677,026	2,795,723	3,056,942
SEARCH FEE - LEOTF	-	1,015,989	956,945	1,020,138	1,094,720
SFPD - DRUG FEE	-	10,854	27,124	22,318	34,261
STATE COSTS	80,618	79,828	97,811	65,308	65,811
STATE FINES	9,165,259	9,150,775	7,971,397	8,132,943	7,665,881
STATE FORFEITURES	495,048	445,832	449,867	430,369	414,050
STATE PENALTIES	711,927	953,236	876,137	834,609	778,446
SURCHARGE-COURT AUTOMATION	7,716,535	6,668,139	6,288,250	6,512,608	6,523,806
SURCHARGE-VICTIM COMPENSATION	261,970	263,906	247,257	245,067	398,829
TRUST FUND	-	451,069	13,976	318,970	91,170
TOTAL RECEIVED \$\$\$	\$46,384,916	\$45,487,510	\$43,100,570	\$47,996,603	\$43,394,593
DISBURSEMENTS \$\$\$	FY2015	FY2016	FY2017	FY2018	FY2019
ALIMONY	4,258	12	562	12	612
BOND REFUNDS (Converted Bonds, Odyssey)	10,533,368	8,313,347	8,591,690	11,112,930	9,930,398
CHILD SUPPORT *	6,404	8,276	20,800	6,850	8,956
CIVIL PASS THROUGH	3,447	3,583	220,264	77,463	287,141
COLLECTIONS AGENCY PASS THROUGH	-	-	26,464	26,710	22,340
DRAW DOWN ACCOUNTS	4,296,975	4,370,656	4,783,247	5,352,582	5,234,567
INTEREST-BEARING TRUST FUNDS	195,603	640,531	-	230,260	689,245
OVERPAYMENTS	21,085	21,767	22,552	16,724	20,761
REMIT TO SIOUX FALLS POLICE DEPARTMENT	-	9,095	25,712	22,255	33,425
REMITTED TO ATTORNEY GENERAL (DRUG FUND)	130,599	139,835	118,545	128,152	138,361
REMITTED TO CITY	423,105	474,953	488,235	454,419	401,824
REMITTED TO COUNTY	14,768,552	15,327,723	13,395,772	13,838,681	12,895,771
REMITTED TO STATE	12,444,929	12,713,454	11,846,415	12,296,721	12,075,402
RESTITUTION	3,086,005	3,142,762	2,764,036	2,819,767	2,907,107
SMALL CLAIMS POSTAGE	215,895	226,510	238,981	236,519	239,885
TRUST FUND	295,211	427,121	27,003	-	221,141
TOTAL DISBURSED \$\$\$	\$46,425,435	\$45,819,625	\$42,570,276	\$46,620,045	\$45,106,938

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

** 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.