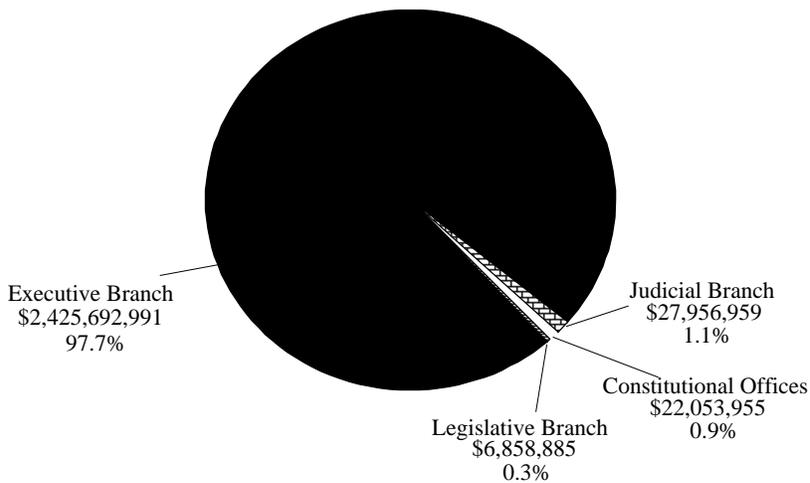


Table 5. STATE BUDGET - FY2002

BRANCH OF GOVERNMENT	BUDGETED FTE	PERCENT OF TOTAL	BUDGET AMOUNT *	PERCENT OF TOTAL
EXECUTIVE BRANCH DEPARTMENTS:				
Executive Management	731.1		\$135,801,626	
Revenue	195.6		\$13,251,879	
Agriculture	181.1		\$22,322,251	
Tourism	24.8		\$6,032,624	
Game, Fish and Parks	554.0		\$52,016,937	
Lottery	35.0		\$29,272,138	
Social Services	942.5		\$550,364,547	
Health	368.5		\$40,272,003	
Labor	395.2		\$35,724,855	
Transportation	1,081.3		\$428,840,643	
Education and Cultural Affairs	171.2		\$453,229,480	
Commerce and Regulation	521.7		\$51,737,505	
Board of Regents	4,740.4		\$350,089,102	
Military and Veteran's Affairs	201.9		\$16,380,533	
Corrections	867.4		\$63,237,443	
Human Services	1,248.4		\$161,875,333	
Environment and Natural Resources	174.5		\$15,244,092	
EXECUTIVE BRANCH TOTAL	12,434.6	94.4%	\$2,425,692,991	97.7%
CONSTITUTIONAL OFFICES	198.6	1.5%	\$22,053,955	0.9%
LEGISLATIVE BRANCH	73.2	0.6%	\$6,858,885	0.3%
JUDICIAL BRANCH	460.6	3.5%	\$27,956,959	1.1%
STATE TOTALS	13,167.0	100.0%	\$2,482,562,790	100.0%

* Includes Informational Budgets

**Chart 2. South Dakota State Budget
FY2002**



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 \$21.3 million for the system's full and part-time employees. The state also funded operating costs of \$6.1 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 - FY2002

<u>RECEIPTS</u>	<u>FIRST</u> <u>CIRCUIT</u>	<u>SECOND</u> <u>CIRCUIT</u>	<u>THIRD</u> <u>CIRCUIT</u>	<u>FOURTH</u> <u>CIRCUIT</u>	<u>FIFTH</u> <u>CIRCUIT</u>	<u>SIXTH</u> <u>CIRCUIT</u>	<u>SEVENTH</u> <u>CIRCUIT</u>	<u>STATE</u> <u>TOTAL</u>
BONDS/UNDERTAKINGS/NO-INT TRUSTS	436,251	2,195,301	449,978	550,853	880,833	384,826	816,278	5,714,321
CITY FINES	128,518	605,656	197,993	29,673	116,448	22,566	150,925	1,251,778
CITY COSTS	1,297	4,219	318	311	0	85	3,716	9,946
CITY FORFEITURES	0	3,511	0	0	0	0	0	3,511
COUNTY FINES/COSTS/FORFEITURES	21,517	759	3,254	860	463	7,976	1,024	35,853
STATE FINES	2,010,317	1,747,734	1,651,965	1,435,936	1,163,917	942,746	1,378,191	10,330,806
STATE COSTS	94,703	19,619	73,262	77,013	37,386	44,865	77,400	424,248
STATE FORFEITURES	59,221	92,595	38,992	191,852	16,099	15,674	4,500	418,932
LIQUIDATED COSTS	617,687	871,324	574,248	313,341	401,672	277,438	554,205	3,609,915
COURT AUTOMATION FUND	328,332	396,255	700,711	155,292	236,543	159,271	263,990	2,240,394
VICTIM COMPENSATION - SURCHARGE	61,554	82,288	57,368	30,933	39,057	27,683	55,039	353,922
CASH FEES	148,113	233,730	140,835	69,601	94,990	60,706	161,669	909,643
DIVORCE FEES	19,900	36,040	20,200	16,050	11,450	7,900	25,750	137,290
LAW LIBRARY FEES	22,640	37,705	22,150	10,697	13,837	8,824	25,591	141,444
POSTAGE (SMALL CLAIMS)	27,135	38,025	24,697	12,255	13,855	7,403	35,140	158,510
PETTY OFFENSE	28,928	66,794	46,456	14,095	25,557	20,044	19,501	221,374
RESTITUTION	507,155	654,537	436,698	321,557	415,535	163,835	545,300	3,044,615
COURT APPOINTED ATTORNEY FEES *	95,113	247,359	209,949	137,114	137,334	138,668	194,371	1,159,909
NSF CHECK CHARGES	2,820	2,400	1,650	705	690	1,260	1,820	11,345
PASSPORT FEES	3,150	150	2,205	1,140	2,670	1,965	0	11,280
MARRIAGE FEES	8,860	20	5,540	640	3,420	2,140	720	21,340
DRUG TEST FEES	1,835	4,516	3,130	3,465	1,090	2,290	8,545	24,871
CHANGE OF VENUE	1,167	1,007	825	440	336	355	815	4,945
CHILD SUPPORT	1,017,782	1,165,050	1,164,864	645,397	497,236	343,584	1,077,785	5,911,698
CIVIL PASS THROUGH	12,551	2,380	24,831	16,423	8,218	34,234	13,175	111,812
ALIMONY	108,840	19,256	95,847	25,595	50,688	34,851	131,620	466,697
INTEREST-BEARING TRUST FUNDS	192	11,171	2,253	0	4,126	0	197,388	215,131
OTHER	16,718	2,806	4,974	9,801	8,370	1,225	12,837	56,732
<u>TOTAL RECEIVED</u>	\$5,782,297	\$8,542,205	\$5,955,192	\$4,071,038	\$4,181,821	\$2,712,413	\$5,757,294	\$37,002,260
<u>DISBURSEMENTS</u>								
BOND REFUNDS	525,295	1,397,637	398,588	618,191	666,027	408,153	1,019,250	5,033,140
REMITTED TO STATE	1,076,287	1,570,427	1,415,289	515,953	726,061	482,206	937,498	6,723,720
REMITTED TO CITY	84,834	400,177	129,013	19,598	75,691	14,753	101,817	825,883
REMITTED TO COUNTY	2,493,385	2,482,067	2,205,924	1,953,166	1,500,871	1,245,142	1,887,642	13,768,197
CHANGE OF VENUE	1,167	1,007	825	440	336	355	815	4,945
RESTITUTION	483,315	635,399	413,686	322,930	414,658	193,346	571,819	3,035,155
POSTAGE (SMALL CLAIMS)	27,135	38,025	24,697	12,255	13,855	7,403	35,140	158,510
CHILD SUPPORT	1,017,782	1,165,050	1,164,864	645,397	497,236	343,584	1,077,785	5,911,698
CIVIL PASS THROUGH	12,551	2,380	24,831	16,423	8,218	34,234	13,175	111,812
ALIMONY	108,840	19,256	95,847	25,595	50,688	34,851	131,620	466,697
INTEREST-BEARING TRUST FUNDS	0	7,288	4,260	0	101,399	0	0	112,948
OTHER	17,958	2,879	4,913	9,837	7,924	1,242	16,083	60,836
<u>TOTAL DISBURSED</u>	\$5,848,548	\$7,721,593	\$5,882,736	\$4,139,785	\$4,062,964	\$2,765,269	\$5,792,645	\$36,213,539

* 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

	FY1998	FY1999	FY2000	FY2001	FY2002
RECEIPTS					
POSTED BONDS	3,379,804	4,516,974	4,187,792	4,611,487	5,714,321
CITY FINES	1,426,470	1,384,490	1,537,711	1,504,656	1,251,778
CITY COSTS	14,503	12,299	11,811	9,877	9,946
CITY FORFEITURES	3,765	3,591	2,292	3,894	3,511
COUNTY FINES/COSTS/FORFEITURES	2,053	4,549	8,418	25,168	35,853
STATE FINES	8,698,981	9,406,456	10,638,773	10,279,526	10,330,806
STATE COSTS	416,451	456,517	444,921	446,191	424,248
STATE FORFEITURES	206,905	221,105	206,506	229,036	418,932
LIQUIDATED COSTS	2,535,812	2,995,049	3,236,207	3,613,373	3,609,915
CT AUTOMATION - SRCHG / FAX / SEARCH / ATTY	955,287	1,053,776	1,935,212	2,192,848	2,240,394
VICTIM COMPENSATION - SURCHARGE	329,575	340,860	362,135	361,576	353,922
CASH FEES	872,979	880,185	869,913	937,234	909,643
DIVORCE FEES	141,418	143,565	149,737	141,390	137,290
LAW LIBRARY FEES	135,856	138,150	136,938	149,831	141,444
POSTAGE (SMALL CLAIMS)	101,760	115,035	112,038	127,538	158,510
PETTY OFFENSE	124,793	146,579	176,680	224,664	221,374
RESTITUTION	2,792,124	2,654,166	3,077,051	2,811,422	3,044,615
COURT APPOINTED ATTORNEY FEES *	947,065	1,017,749	1,148,993	1,174,022	1,159,909
NSF CHECK CHARGES	6,430	7,410	7,240	8,970	11,345
PASSPORT FEES	9,425	13,670	12,735	11,700	11,280
MARRIAGE FEES	26,240	24,480	23,100	23,100	21,340
DRUG TEST FEES	18,655	18,574	32,099	32,194	24,871
CHANGE OF VENUE	7,195	8,084	7,686	5,805	4,945
CHILD SUPPORT	16,256,991	13,581,245	9,922,726	7,578,700	5,911,698
CIVIL PASS THROUGH	142,760	96,647	89,887	79,898	111,812
ALIMONY	400,123	473,191	510,468	491,570	466,697
INTEREST-BEARING TRUST FUND	1,343,735	403,512	135,083	297,161	215,131
OTHER	71,836	57,062	54,648	87,260	56,732
TOTAL RECEIVED	\$41,368,991	\$40,183,454	\$39,038,800	\$37,460,089	\$37,002,260
DISBURSEMENTS					
BOND REFUNDS	3,066,064	3,855,265	3,916,234	4,227,093	5,033,140
REMITTED TO STATE	4,382,549	4,941,155	6,150,422	6,779,661	6,723,720
REMITTED TO CITY	944,150	914,550	1,012,812	990,433	825,883
REMITTED TO COUNTY	11,545,962	12,413,248	13,778,186	13,599,154	13,768,197
CHANGE OF VENUE	7,195	8,085	7,686	5,805	4,945
RESTITUTION	2,719,548	2,665,197	3,072,572	2,755,402	3,035,155
POSTAGE (SMALL CLAIMS)	101,829	115,035	112,038	127,538	158,510
CHILD SUPPORT **	16,256,991	13,581,245	9,922,726	7,578,700	5,911,698
CIVIL PASS THROUGH	142,760	96,646	89,887	79,898	111,812
ALIMONY	400,123	473,191	510,468	491,570	466,697
INTEREST-BEARING TRUST FUND	1,105,543	1,533,600	80,561	66,401	112,948
OTHER	70,131	56,190	52,394	84,503	60,836
TOTAL DISBURSED	\$40,742,845	\$40,661,891	\$38,705,986	\$36,786,158	\$36,213,539

* 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.

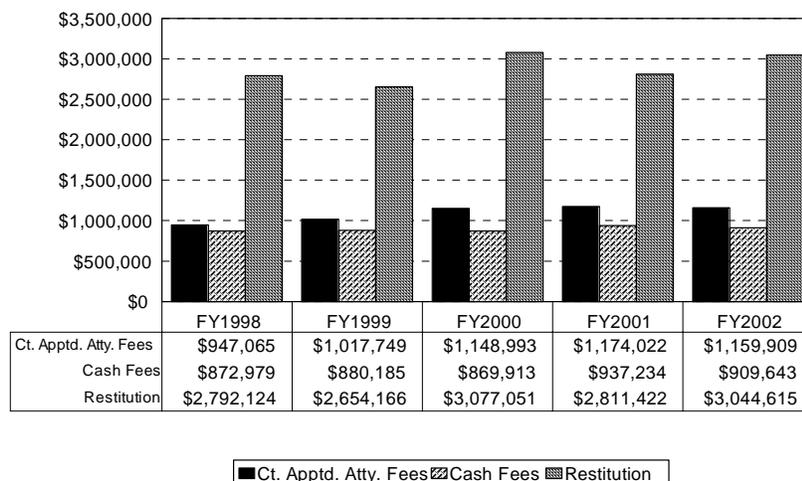
Cash fees is money paid by the public for services rendered by the court. Cash fees include such things as filing fees (the fee paid at the beginning of noncriminal court actions such as divorces or small claims actions), fees for providing certified transcripts of records, and fees paid for photocopying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

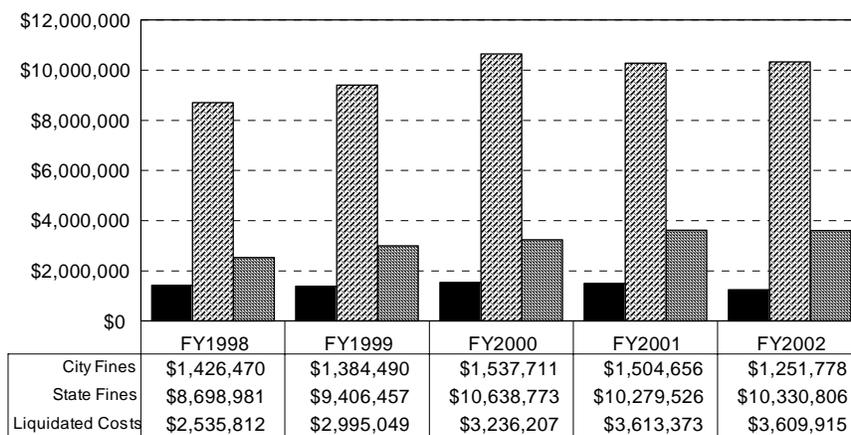
Chart 4, below, compares fines and liquidated costs collected for criminal cases over the last five years. **State fines** are fines assessed for violations of state laws and go to the school district of the county in which the violation occurred. **City fines** are fines assessed for violations of municipal 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. Approximately 77% is used for law enforce-

ment training (highway safety training, operating the drug enforcement unit, purchasing state law enforcement equipment, operating the state crime laboratory, training corrections personnel, prosecutors and UJS personnel) and 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 consistent.

**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 five years has increased significantly.

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. A steady increase has occurred each year for the period illustrated.

Chart 5. FY2002 UJS Selected Disbursements

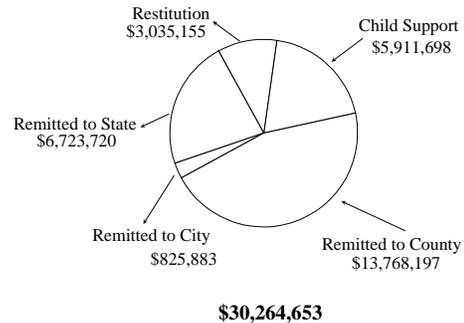


Chart 6. UJS Selected Disbursements Compared

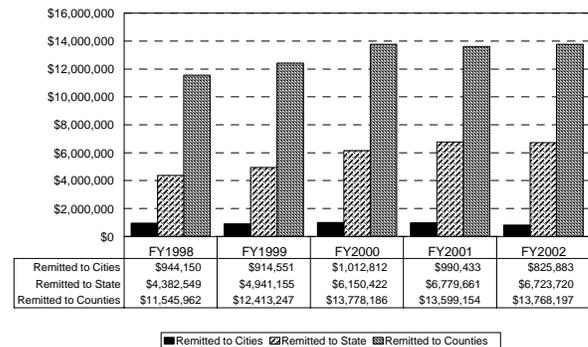


Chart 7. UJS Selected Revenue Disbursements

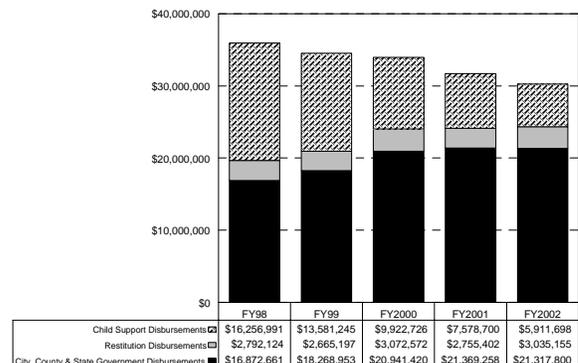


Table 8. COMPARISON OF STATE FINE RECEIPTS BY COUNTY AND CIRCUIT

COUNTIES:					COUNTIES:				
	FY2000	FY2001	FY2002	% Change FY00/FY02		FY2000	FY2001	FY2002	% Change FY00/FY02
1st CIRCUIT					4th CIRCUIT				
Aurora	\$48,868	\$44,918	\$43,572	-10.8%	Butte	\$74,919	\$86,859	\$133,619	78.4%
Bon Homme	\$72,872	\$51,831	\$58,550	-19.7%	Corson	\$16,628	\$15,429	\$12,536	-24.6%
Brule	\$115,327	\$99,566	\$89,962	-22.0%	Dewey	\$11,249	\$7,754	\$9,412	-16.3%
Charles Mix	\$74,965	\$125,055	\$139,607	86.2%	Harding	\$12,529	\$23,290	\$11,117	-11.3%
Clay	\$219,044	\$224,379	\$196,486	-10.3%	Lawrence	\$553,841	\$548,711	\$491,994	-11.2%
Davison	\$344,762	\$287,253	\$330,176	-4.2%	Meade	\$597,798	\$629,132	\$739,424	23.7%
Douglas	\$31,516	\$25,071	\$27,397	-13.1%	Perkins	\$34,242	\$30,673	\$32,513	-5.0%
Hanson	\$41,760	\$44,565	\$39,538	-5.3%	Ziebach	\$11,019	\$12,363	\$5,321	-51.7%
Hutchinson	\$57,919	\$64,232	\$62,505	7.9%	TOTAL	\$1,312,225	\$1,354,212	\$1,435,936	9.4%
McCook	\$52,176	\$43,029	\$49,491	-5.1%	5th CIRCUIT				
Turner	\$54,579	\$47,980	\$54,473	-0.2%	Brown	\$363,788	\$376,966	\$376,347	3.5%
Union	\$619,376	\$654,513	\$578,637	-6.6%	Campbell	\$32,040	\$12,525	\$43,831	36.8%
Yankton	\$446,320	\$412,228	\$339,924	-23.8%	Day	\$102,895	\$71,560	\$75,362	-26.8%
TOTAL	\$2,179,484	\$2,124,620	\$2,010,317	-7.8%	Edmunds	\$55,131	\$44,546	\$50,596	-8.2%
2nd CIRCUIT					Faulk	\$31,603	\$31,991	\$36,373	15.1%
Lincoln	\$350,260	\$248,791	\$272,486	-22.2%	Marshall	\$49,572	\$39,686	\$35,946	-27.5%
Minnehaha	\$1,905,641	\$1,578,829	\$1,475,247	-22.6%	McPherson	\$8,531	\$6,493	\$5,890	-31.0%
TOTAL	\$2,255,901	\$1,827,621	\$1,747,734	-22.5%	Roberts	\$314,610	\$325,460	\$302,294	-3.9%
3rd CIRCUIT					Spink	\$84,197	\$68,847	\$75,772	-10.0%
Beadle	\$211,130	\$213,980	\$203,970	-3.4%	Walworth	\$149,302	\$139,849	\$161,506	8.2%
Brookings	\$414,132	\$395,106	\$394,032	-4.9%	TOTAL	\$1,191,669	\$1,117,924	\$1,163,917	-2.3%
Clark	\$40,461	\$32,884	\$58,884	45.5%	6th CIRCUIT				
Codington	\$327,202	\$373,699	\$335,659	2.6%	Bennett	\$41,023	\$49,458	\$52,341	27.6%
Deuel	\$63,148	\$51,438	\$62,122	-1.6%	Gregory	\$39,781	\$50,119	\$42,125	5.9%
Grant	\$89,867	\$89,621	\$104,868	16.7%	Haakon	\$43,695	\$42,677	\$17,965	-58.9%
Hamlin	\$76,573	\$38,302	\$54,322	-29.1%	Hughes	\$228,298	\$216,542	\$217,213	-4.9%
Hand	\$46,633	\$20,321	\$30,302	-35.0%	Hyde	\$27,261	\$26,648	\$27,082	-0.7%
Jerauld	\$21,350	\$21,328	\$18,745	-12.2%	Jackson	\$64,045	\$86,454	\$154,385	141.1%
Kingbury	\$80,962	\$47,954	\$56,777	-29.9%	Jones	\$45,582	\$48,942	\$44,901	-1.5%
Lake	\$116,212	\$144,336	\$141,251	21.5%	Lyman	\$136,727	\$105,845	\$140,272	2.6%
Miner	\$21,760	\$22,841	\$21,047	-3.3%	Mellette	\$22,944	\$18,384	\$20,279	-11.6%
Moody	\$127,979	\$130,177	\$145,427	13.6%	Potter	\$44,841	\$39,847	\$42,684	-4.8%
Sanborn	\$34,622	\$33,139	\$24,557	-29.1%	Stanley	\$68,527	\$81,617	\$53,845	-21.4%
TOTAL	\$1,672,031	\$1,615,125	\$1,651,965	-1.2%	Sully	\$52,554	\$60,482	\$35,732	-32.0%
					Todd/Tripp	\$87,714	\$68,466	\$93,920	7.1%
					TOTAL	\$902,992	\$895,483	\$942,746	4.4%
					7th CIRCUIT				
					Custer	\$90,517	\$91,987	\$85,655	-5.4%
					Fall River/Shannon	\$115,672	\$94,989	\$115,034	-0.6%
					Pennington	\$918,281	\$1,157,565	\$1,177,502	28.2%
					TOTAL	\$1,124,470	\$1,344,542	\$1,378,191	22.6%

	FY2000	FY2001	FY2002	% CHANGE FROM FY00/FY02
STATE TOTALS	\$10,638,772	\$10,279,526	\$10,330,806	-2.9%

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 16% 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 - FY2002

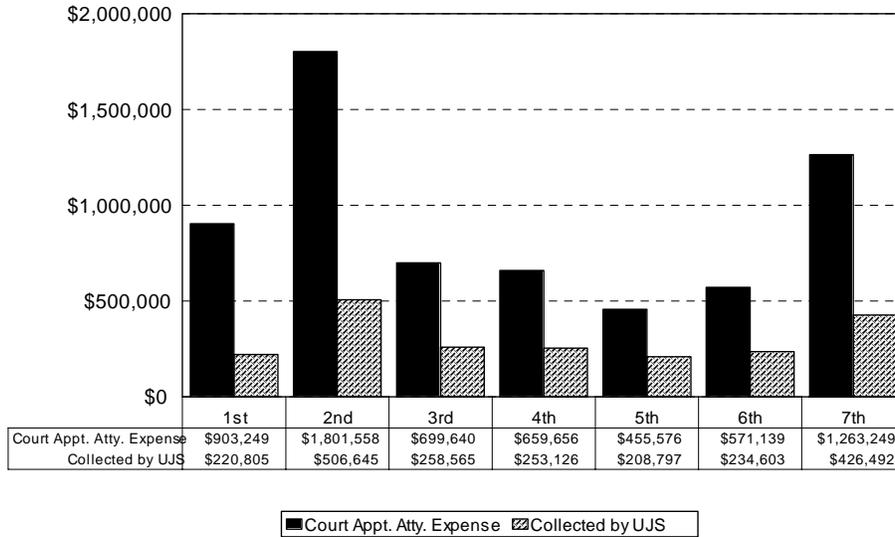
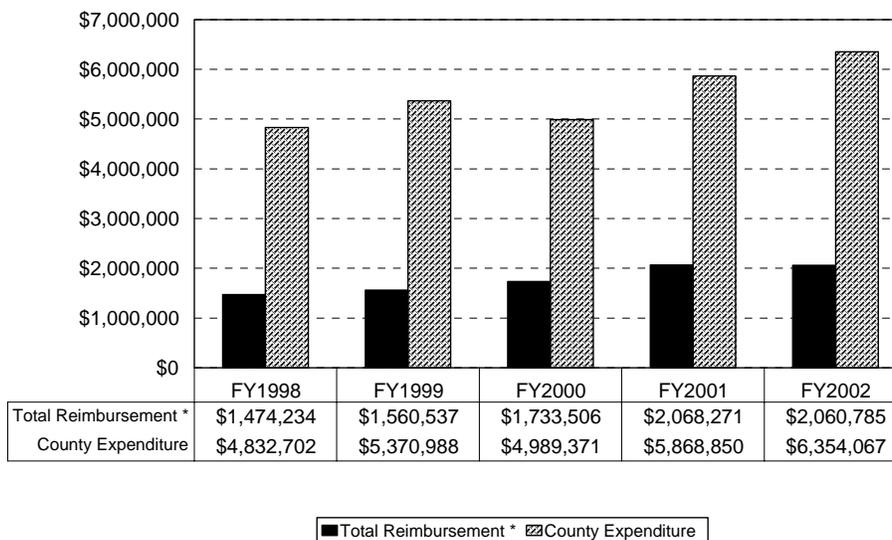


Chart 9. Court-Appointed Attorney Cost Payback by Fiscal Year



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

**Table 9. COUNTY EXPENDITURES AND REPAYMENT
FOR COURT-APPOINTED ATTORNEYS - FY2002**

Circuits and Counties	Total Paid By County	Allocated by Statute	Paid by Defendant *	Collected by UJS	Percent Paid
1st CIRCUIT					
Aurora	\$27,258	\$3,838	\$3,760	\$7,599	27.9%
Bon Homme	\$35,359	\$4,910	\$2,239	\$7,148	20.2%
Brule-Buffalo	\$63,042	\$9,242	\$6,184	\$15,427	24.5%
Charles Mix	\$129,218	\$17,912	\$15,689	\$33,601	26.0%
Clay	\$52,748	\$7,779	\$6,693	\$14,472	27.4%
Davison	\$164,645	\$24,574	\$2,490	\$27,064	16.4%
Douglas	\$38,280	\$5,960	\$2,964	\$8,924	23.3%
Hanson	\$8,230	\$2,145	\$324	\$2,468	30.0%
Hutchinson	\$15,188	\$2,084	\$4,567	\$6,651	43.8%
McCook	\$92,742	\$12,820	\$2,309	\$15,129	16.3%
Turner	\$60,498	\$9,450	\$8,300	\$17,750	29.3%
Union	\$109,425	\$16,268	\$15,176	\$31,444	28.7%
Yankton	\$106,615	\$16,309	\$24,418	\$40,726	38.2%
TOTAL	\$903,249	\$133,291	\$95,113	\$220,805	24.4%
2nd CIRCUIT					
Lincoln	\$134,371	\$19,646	\$28,603	\$48,249	35.9%
Minnehaha	\$1,667,187	\$239,640	\$218,756	\$458,396	27.5%
TOTAL	\$1,801,558	\$259,286	\$247,359	\$506,645	28.1%
3rd CIRCUIT					
Beadle	\$88,842	\$14,586	\$34,602	\$49,188	55.4%
Brookings	\$126,290	\$19,363	\$56,726	\$76,089	60.2%
Clark	\$11,671	\$1,602	\$3,060	\$4,661	39.9%
Codington	\$220,155	\$31,232	\$41,304	\$72,536	32.9%
Deuel	\$12,017	\$2,517	\$2,868	\$5,385	44.8%
Grant	\$32,575	\$5,097	\$11,776	\$16,873	51.8%
Hamlin	\$48,552	\$6,663	\$2,848	\$9,511	19.6%
Hand	\$9,634	\$1,728	\$5,101	\$6,829	70.9%
Jerauld	\$7,486	\$1,439	\$4,997	\$6,436	86.0%
Kingsbury	\$19,168	\$2,645	\$8,411	\$11,056	57.7%
Lake	\$38,761	\$6,237	\$11,571	\$17,808	45.9%
Miner	\$19,374	\$2,887	\$1,344	\$4,231	21.8%
Moody	\$53,740	\$9,995	\$23,253	\$33,247	61.9%
Sanborn	\$11,375	\$1,947	\$2,088	\$4,034	35.5%
TOTAL	\$699,640	\$107,937	\$209,949	\$258,565	37.0%
4th CIRCUIT					
Butte	\$67,773	\$19,986	\$17,726	\$37,711	55.6%
Corson	\$13,588	\$3,494	\$1,711	\$5,204	38.3%
Dewey	\$1,753	\$449	\$1,498	\$1,947	111.1%
Harding	\$791	\$571	\$1,638	\$2,209	279.2%
Lawrence	\$342,233	\$53,337	\$70,945	\$124,282	36.3%
Meade	\$190,270	\$29,199	\$33,333	\$62,532	32.9%
Perkins	\$42,013	\$8,806	\$9,310	\$18,117	43.1%
Ziebach	\$1,236	\$170	\$954	\$1,124	90.9%
TOTAL	\$659,656	\$116,012	\$137,114	\$253,126	38.4%
5th CIRCUIT					
Brown	\$246,675	\$41,410	\$66,014	\$107,424	43.5%
Campbell	\$1,869	\$428	\$433	\$860	46.0%
Day	\$31,937	\$4,383	\$11,475	\$15,857	49.7%
Edmunds	\$3,566	\$489	\$1,537	\$2,027	56.8%
Faulk	\$3,773	\$518	\$2,724	\$3,242	85.9%
Marshall	\$17,415	\$2,390	\$4,830	\$7,220	41.5%
McPherson	\$352	\$48	\$0	\$48	13.7%
Roberts	\$94,385	\$13,161	\$19,362	\$32,523	34.5%
Spink	\$26,020	\$3,917	\$10,034	\$13,950	53.6%
Walworth	\$29,584	\$4,720	\$20,925	\$25,646	86.7%
TOTAL	\$455,576	\$71,463	\$137,334	\$208,797	45.8%
6th CIRCUIT					
Bennett	\$51,163	\$10,231	\$19,304	\$29,535	57.7%
Gregory	\$27,449	\$7,203	\$7,720	\$14,923	54.4%
Haakon	\$3,783	\$519	\$2,079	\$2,598	68.7%
Hughes	\$167,981	\$26,949	\$30,881	\$57,830	34.4%
Hyde	\$7,314	\$1,297	\$2,462	\$3,758	51.4%
Jackson	\$19,075	\$2,618	\$5,313	\$7,931	41.6%
Jones	\$13,044	\$2,456	\$2,879	\$5,335	40.9%
Lyman	\$35,029	\$5,520	\$18,354	\$23,874	68.2%
Mellette	\$49,179	\$9,559	\$6,046	\$15,605	31.7%
Potter	\$23,254	\$3,653	\$4,244	\$7,897	34.0%
Stanley	\$70,379	\$9,658	\$14,007	\$23,665	33.6%
Sully	\$8,909	\$1,223	\$2,646	\$3,868	43.4%
Todd/Tripp	\$94,581	\$15,049	\$22,735	\$37,785	39.9%
TOTAL	\$571,139	\$95,935	\$138,668	\$234,603	41.1%
7th CIRCUIT					
Custer	\$106,705	\$15,463	\$12,545	\$28,008	26.2%
Fall River/Shannon	\$79,781	\$11,918	\$26,828	\$38,746	48.6%
Pennington	\$1,076,764	\$204,740	\$154,998	\$359,739	33.4%
TOTAL	\$1,263,249	\$232,121	\$194,371	\$426,492	33.8%

STATE TOTALS	Total Paid By County	Allocated by Statute	Paid by Defendant *	Collected by UJS	Percent Paid
	\$6,354,067	\$1,016,045	\$1,159,909	\$2,060,785	32.4%

* 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 - FY2002 (revised 2/10/03)

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	\$27,258	20	51	\$1,363	39.2%
Bon Homme	\$35,359	31	109	\$1,141	28.4%
Brule-Buffalo	\$63,042	84	206	\$750	40.8%
Charles Mix	\$129,218	184	454	\$702	40.5%
Clay	\$52,748	73	492	\$723	14.8%
Davison	\$164,645	352	757	\$468	46.5%
Douglas	\$38,280	15	50	\$2,552	30.0%
Hanson	\$8,230	16	51	\$514	31.4%
Hutchinson	\$15,188	20	76	\$759	26.3%
McCook	\$92,742	28	88	\$3,312	31.8%
Turner	\$60,498	53	129	\$1,141	41.1%
Union	\$109,425	97	736	\$1,128	13.2%
Yankton	\$106,615	162	851	\$658	19.0%
TOTAL	\$903,249	1,135	4,050	\$796	28.0%
2nd CIRCUIT					
Lincoln	\$134,371	166	558	\$809	29.7%
Minnehaha	\$1,667,187	2,835	6,066	\$588	46.7%
TOTAL	\$1,801,558	3,001	6,624	\$1,398	45.3%
3rd CIRCUIT					
Beadle	\$88,842	145	400	\$613	36.3%
Brookings	\$126,290	204	924	\$619	22.1%
Clark	\$11,671	9	62	\$1,297	14.5%
Codington	\$220,155	162	600	\$1,359	27.0%
Deuel	\$12,017	16	71	\$751	22.5%
Grant	\$32,575	29	108	\$1,123	26.9%
Hamlin	\$48,552	15	72	\$3,237	20.8%
Hand	\$9,634	0	44	\$0	0.0%
Jerauld	\$7,486	8	20	\$936	40.0%
Kingsbury	\$19,168	29	63	\$661	46.0%
Lake	\$38,761	99	269	\$392	36.8%
Miner	\$19,374	16	39	\$1,211	41.0%
Moody	\$53,740	79	290	\$680	27.2%
Sanborn	\$11,375	9	41	\$1,264	22.0%
TOTAL	\$699,640	820	3,003	\$853	27.3%

STATE TOTALS	Total Paid By County	Appoint-ments	Misd. 1 & Felony Dispos'n	Avg. Pmt. Per Appt. *	Appts. as % of Dispos'n
	\$6,354,067	9,367	25,651	\$678	36.5%

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	\$67,773	99	274	\$685	36.1%
Corson	\$13,588	4	26	\$3,397	15.4%
Dewey	\$1,753	4	26	\$0	15.4%
Harding	\$791	4	14	\$198	28.6%
Lawrence	\$342,233	321	1,129	\$1,066	28.4%
Meade	\$190,270	240	901	\$793	26.6%
Perkins	\$42,013	21	66	\$2,001	31.8%
Ziebach	\$1,236	4	11	\$309	36.4%
TOTAL	\$659,656	697	2,447	\$946	28.5%
5th CIRCUIT					
Brown	\$246,675	286	1,096	\$863	26.1%
Campbell	\$1,869	1	12	\$1,869	8.3%
Day	\$31,937	59	151	\$541	39.1%
Edmunds	\$3,566	3	46	\$1,189	6.5%
Faulk	\$3,773	2	20	\$1,887	10.0%
Marshall	\$17,415	26	91	\$670	28.6%
McPherson	\$352	1	6	\$352	16.7%
Roberts	\$94,385	199	464	\$474	42.9%
Spink	\$26,020	27	110	\$964	24.5%
Walworth	\$29,584	76	305	\$389	24.9%
TOTAL	\$455,576	680	2,301	\$670	29.6%
6th CIRCUIT					
Bennett	\$51,163	121	226	\$423	53.5%
Gregory	\$27,449	26	92	\$1,056	28.3%
Haakon	\$3,783	8	40	\$473	20.0%
Hughes	\$167,981	314	611	\$535	51.4%
Hyde	\$7,314	10	28	\$731	35.7%
Jackson	\$19,075	26	142	\$734	18.3%
Jones	\$13,044	13	55	\$1,003	6.7%
Lyman	\$35,029	53	195	\$661	63.1%
Mellette	\$49,179	35	84	\$1,405	100.0%
Potter	\$23,254	12	35	\$1,938	10.4%
Stanley	\$70,379	58	115	\$1,213	118.4%
Sully	\$8,909	0	49	\$0	0.0%
Todd/Tripp	\$94,581	66	145	\$1,433	45.5%
TOTAL	\$571,139	742	1,817	\$770	40.8%
7th CIRCUIT					
Custer	\$106,705	62	192	\$1,721	32.3%
Fall River/Shannon	\$79,781	138	325	\$578	42.5%
Pennington	\$1,076,764	2,092	4,892	\$515	42.8%
TOTAL	\$1,263,249	2,292	5,409	\$551	42.4%

* Does not include county reimbursements which substantially lowers the average payment per appointment to \$458 per case.
 (\$6,354,067-\$2,060,785 = \$4,293,282/9,367 = \$458)

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. FY2002 MILEAGE BY JUDICIAL PERSONNEL

Judge or Magistrate	Mileage	Judge or Magistrate	Mileage	Judge or Magistrate	Mileage
<u>First Circuit:</u>		<u>Third Circuit</u>		<u>Sixth Circuit:</u>	
Anderson, B.	7,444	Erickson	8,646	Anderson	11,328
Anderson, L.	7,058	Martin	3,516	Gors	14,860
Cody	6,704	Pierce	9,968	Myren	4,630
Eng	7,910	Roehr	3,440	Trandahl	10,833
Kiner	3,389	Steele	9,152	Wilbur	13,111
McMurchie	11,972	Timm	5,379	Zinter	4,066
Miller	6,490	Tucker	7,643	Outside Circuit Judges	0
Rusch	6,578	Outside Circuit Judges	763	TOTAL	58,828
Tappe	4,838	TOTAL	48,507		
Outside Circuit Judges	540				
TOTAL	62,923				
<u>Second Circuit:</u>		<u>Fourth Circuit:</u>		<u>Seventh Circuit:</u>	
Bogue	54	Bastian	7,825	Davis	2,400
Caldwell	564	Johnson	4,276	Kern	2,306
Gregory	850	Johns	5,941	O'Connor	780
Irvine	500	Oswald	3,895	Pahlke	4,920
Kean	728	Eckrich	4,249	Severns	5,956
Lieberman	0	Outside Circuit Judges	0	Tice	2,166
Meierhenry	752	TOTAL	26,186	Trimble	1,690
Riepel	500			Outside Circuit Judges	2,896
Sage	920			TOTAL	23,114
Severson	470	<u>Fifth Circuit:</u>			
Srstka	450	Dobberpuhl	9,188		
Tiede	2,450	Flemmer	11,434		
Outside Circuit Judges	1,570	Portra	10,393		
TOTAL	9,808	Lovrien	8,324		
		Von Wald	11,189		
		Outside Circuit Judges	0		
		TOTAL	50,528		
				STATE TOTAL	279,894

**Table 12. FY2002 MILEAGE BY COURT SERVICES PERSONNEL
FOR OFFICIAL FUNCTIONS**

Officer	Mileage	Officer	Mileage	Officer	Mileage
First Circuit:		Third Circuit:		Sixth Circuit:	
Berndt	3,462	Butler	3,350	Birkeland	14,445
Halverson	16,726	Goldsmith	2,834	Brozik	10,338
Dringman	6,653	Kjellsen	6,225	Christensen	4,853
Foltz	2,288	Mielke	1,234	Connot	19,187
Freeman	7,620	Moen	6,195	Lindner	2,706
Friberg	1,365	Nihart	2,900	Petersen	4,736
Gropper (Intensive)	5,700	Ramlo (Intensive)	8,950	TOTAL	56,265
Hofer (Intensive)	8,900	Schneider	3,655	Seventh Circuit:	
Max	4,324	Tappe	6,570	Battista	6,333
McNeely	1,249	Ramynke	1,856	Dansby	821
Nelsen	8,120	TOTAL	43,769	Drew	2,130
Pepper Intensive)	13,200	Fourth Circuit:		Garth	315
Priebe	13,207	Baloun	2,488	Gordon	1,635
Sudbeck (Intensive)	8,884	Burg (Intensive)	21,906	Homer	1,235
TOTAL	101,698	Coacher	5,378	Mann	1,280
Second Circuit:		Gallagher	9084	Mitchell (Intensive)	7,397
Adler	664	Jacobson	3,660	Nagel	1,369
Ahrendt	2,035	Nedved	1,549	Norris	4,464
Aman	696	Portwood	7,111	Osborne (Intensive)	11,491
Gravett (Intensive)	5,579	TOTAL	51,176	Peterson (Intensive)	10,184
Hall	4,544	Fifth Circuit:		Pingrey	3,332
Hoffman	605	Archer	9,719	Ritter	1,062
Jaqua	658	Hansen	8,204	Sayler	4,878
Kary	321	Ingemansen (Intensive)	9,535	Stephens (Intensive)	6,572
LeMair	839	Rau	1,365	Thomas	1,306
Lillestol (Intensive)	12,515	Rice (Intensive)	6,642	Wright	1,101
Rockafellow-Pfizer	1,068	Simons	14,385	TOTAL	66,905
Smith	2,601	Spiry	3,020	STATE TOTAL	
Wildes	530	Sutherland	4,232		421,879
Wolfgang	869	Waldrop (Intensive)	9,447		
Willis	1,993	TOTAL	66,549		
TOTAL	35,517				

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

Chart 10. FY2002 Mileage Comparison by Circuit

