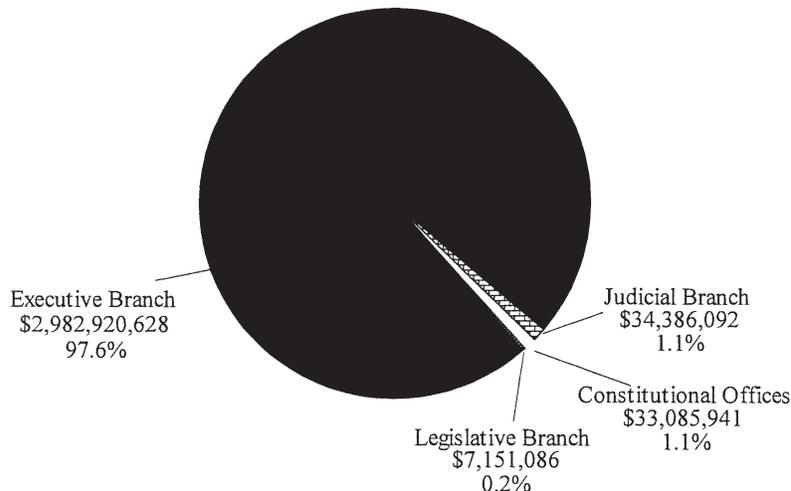


Table 5. STATE BUDGET - FY2006

BRANCH OF GOVERNMENT	BUDGETED FTE	PERCENT OF TOTAL	BUDGET AMOUNT *	PERCENT OF TOTAL
EXECUTIVE BRANCH DEPARTMENTS:				
Executive Management	654.8	4.7%	\$110,144,926	3.6%
Revenue and Regulation	313.1	2.2%	\$56,966,538	1.9%
Agriculture	196.5	1.4%	\$26,020,594	0.9%
Tourism	184.6	1.3%	\$56,413,174	1.8%
Game, Fish and Parks	560.4	4.0%	\$58,485,310	1.9%
Social Services	990.5	7.1%	\$723,486,832	23.7%
Health	401.0	2.9%	\$60,719,512	2.0%
Labor	465.2	3.3%	\$46,317,750	1.5%
Transportation	1,075.3	7.7%	\$449,340,553	14.7%
Education	145.0	1.0%	\$510,260,636	16.7%
Public Safety	407.5	2.9%	\$55,582,489	1.8%
Board of Regents	5,282.4	37.9%	\$492,303,932	16.1%
Military and Veteran's Affairs	193.6	1.4%	\$25,269,285	0.8%
Corrections	870.8	6.3%	\$90,362,019	3.0%
Human Services	1,232.7	8.9%	\$204,796,259	6.7%
Environment and Natural Resources	173.5	1.2%	\$16,450,819	0.5%
EXECUTIVE BRANCH TOTAL	13,146.9	94.4%	\$2,982,920,628	97.6%
CONSTITUTIONAL OFFICES	218.1	1.6%	\$33,085,941	1.1%
LEGISLATIVE BRANCH	69.3	0.5%	\$7,151,086	0.2%
JUDICIAL BRANCH	492.3	3.5%	\$34,386,092	1.1%
STATE TOTALS	13,926.6	100.0%	\$3,057,543,747	100.0%

* Includes Informational Budgets

**Chart 2. South Dakota State Budget
FY2006**



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 expenditures were \$25.9 million for the system's full and part-time employees. The state also funded operating costs, including encumbrances, of \$7.6 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.

Victim Compensation Surcharge:

A charge of \$2.50 assessed against a defendant in any criminal action which resulted from a violation of state law or county or municipal ordinance (except parking violations), and which is used to assist crime victims to recover some of the costs they incurred as a result of the crime.

Liquidated Costs: A \$30.00 surcharge assessed for all criminal convictions. Twenty dollars is deposited into the law enforcement officers training fund, six dollars into the court appointed attorney and public defender payment fund, two dollars goes to the court appointed special advocates fund (CASA), one dollar into the 911 telecommunicator training fund, and one dollar into the abused and neglected child defense fund. The money is paid into the State Treasury for distribution.

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

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

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

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

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

Court-Appointed Attorney Fee:

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

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

Drug Test/Monitor Fees: Fees charged to probationers to cover the cost of drug testing or monitoring 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 - FY2006

<u>RECEIPTS</u>	FIRST CIRCUIT	SECOND CIRCUIT	THIRD CIRCUIT	FOURTH CIRCUIT	FIFTH CIRCUIT	SIXTH CIRCUIT	SEVENTH CIRCUIT	STATE TOTAL
BONDS/UNDERTAKINGS/NO-INT TRUSTS	689,655	1,732,260	687,746	720,071	412,613	395,489	869,176	5,507,010
CITY FINES	135,043	695,221	165,765	25,839	52,346	16,037	227,031	1,317,280
CITY COSTS	990	3,898	260	629	0	195	4,010	9,982
CITY FORFEITURES	0	2,561	100	0	0	0	0	2,661
CITY PENALTIES	220	7,814	0	0	0	0	210	8,244
COUNTY FINES	6,941	1,446	10,113	202	0	0	481	19,183
COUNTY COSTS	40	0	0	80	0	0	20	140
COUNTY FORFEITURES	0	0	0	0	0	0	0	0
COUNTY PENALTIES	0	0	0	0	0	0	0	0
STATE FINES	1,889,716	1,565,106	1,634,132	1,268,200	1,104,459	712,907	1,399,542	9,574,061
STATE COSTS	107,504	112,993	91,759	90,415	50,758	41,332	101,884	596,646
STATE FORFEITURES	21,414	293,085	43,847	26,472	12,121	23,449	6,700	427,088
STATE PENALTIES	228,649	107,891	63,592	67,392	164,142	55,365	12,632	699,663
LIQUIDATED COSTS	674,494	1,057,760	591,537	320,223	412,008	282,373	707,106	4,045,500
COURT AUTOMATION FUND	498,645	597,285	1,259,036	207,258	339,200	326,774	379,626	3,607,825
VICTIM COMPENSATION - SURCHARGE	55,835	84,292	49,382	25,975	33,411	23,516	58,710	331,120
CASH FEES	144,319	290,737	146,438	68,596	101,765	57,065	158,963	967,883
DIVORCE FEES	17,675	35,975	19,700	11,800	12,000	7,700	24,600	129,450
LAW LIBRARY FEES	21,670	44,862	23,106	9,631	14,581	8,023	22,848	144,721
POSTAGE (SMALL CLAIMS)	29,095	60,690	29,391	11,329	18,245	9,019	30,851	188,620
PETTY OFFENSE	43,627	77,598	42,955	8,480	24,948	21,906	43,969	263,483
RESTITUTION	522,785	737,053	658,616	271,503	519,010	223,647	616,866	3,549,480
COURT APPOINTED ATTORNEY FEES *	170,978	446,470	311,384	236,078	167,000	175,661	313,775	1,821,346
NSF CHECK CHARGES	2,480	2,460	2,440	720	1,350	750	1,590	11,790
PASSPORT FEES	8,250	0	10,350	4,590	10,740	2,790	0	36,720
MARRIAGE FEES	7,680	40	4,980	680	3,520	1,760	920	19,580
DRUG TEST FEES	1,255	9,671	1,661	4,154	555	6,600	8,105	32,001
CHANGE OF VENUE	1,050	1,611	1,112	411	428	490	818	5,920
CHILD SUPPORT	458,048	395,120	508,996	233,172	151,872	158,074	435,408	2,340,689
CIVIL PASS THROUGH	2,201	9,835	8,792	7,145	10,760	15,268	5,691	59,692
ALIMONY	178,335	35,309	94,039	25,844	16,285	17,462	105,441	472,715
INTEREST-BEARING TRUST FUNDS	174,214	100,353	306,338	0	51,907	0	0	632,812
OTHER	16,765	46,808	26,998	14,112	13,155	6,193	28,353	152,385
TOTAL RECEIVED	\$6,109,572	\$8,556,204	\$6,794,564	\$3,661,003	\$3,699,177	\$2,589,843	\$5,565,325	\$36,975,689
<u>DISBURSEMENTS</u>								
BOND REFUNDS	930,392	1,899,226	743,845	628,191	386,027	344,984	1,018,086	5,950,752
REMITTED TO STATE	1,298,411	1,998,973	1,980,978	572,714	819,105	650,175	1,235,760	8,556,115
REMITTED TO CITY	88,911	462,535	108,072	17,424	34,025	10,619	151,717	873,302
REMITTED TO COUNTY	2,650,104	2,975,657	2,383,487	1,787,276	1,651,773	1,103,407	2,085,246	14,636,949
CHANGE OF VENUE	1,050	1,611	1,112	411	428	490	818	5,920
RESTITUTION	501,902	812,983	659,262	266,255	538,832	244,510	586,463	3,610,207
POSTAGE (SMALL CLAIMS)	29,095	60,690	29,391	11,329	18,245	9,019	30,851	188,620
CHILD SUPPORT	458,048	395,120	508,996	233,172	151,872	158,074	435,408	2,340,689
CIVIL PASS THROUGH	2,201	9,835	8,792	7,145	10,760	15,268	5,691	59,692
ALIMONY	178,335	35,309	94,039	25,844	16,285	17,462	105,441	472,715
INTEREST-BEARING TRUST FUNDS	0	184,747	305,670	0	55,517	0	0	545,933
OTHER	15,115	26,271	25,828	14,498	16,870	6,677	21,117	126,375
TOTAL DISBURSED	\$6,153,563	\$8,862,957	\$6,849,470	\$3,564,260	\$3,699,737	\$2,560,685	\$5,676,597	\$37,367,270

* 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

	FY2002	FY2003	FY2004	FY2005	FY2006
RECEIPTS					
BONDS/UNDERTAKINGS/NO-INT TRUSTS	5,714,321	5,791,708	6,341,626	6,421,188	5,507,010
CITY FINES	1,251,778	1,216,693	1,285,960	1,442,944	1,317,280
CITY COSTS	9,946	8,933	9,635	9,508	9,982
CITY FORFEITURES	3,511	2,526	4,279	2,993	2,661
CITY PENALTIES	N/A	N/A	N/A	20,168	8,244
COUNTY FINES	35,853	29,484	24,837	18,307	19,183
COUNTY COSTS	N/A	N/A	N/A	215	140
COUNTY FORFEITURES	N/A	N/A	N/A	0	0
COUNTY PENALTIES	N/A	N/A	N/A	0	0
STATE FINES	10,330,806	10,165,078	9,640,913	8,611,223	9,574,061
STATE COSTS	424,248	496,010	492,415	543,786	596,646
STATE FORFEITURES	418,932	274,108	420,134	295,538	427,088
STATE PENALTIES	N/A	N/A	N/A	525,751	699,663
LIQUIDATED COSTS	3,609,915	3,436,731	3,631,973	3,978,879	4,045,500
COURT AUTOMATION FUND	2,240,394	2,335,340	2,588,337	3,280,477	3,607,825
VICTIM COMPENSATION - SURCHARGE	353,922	338,114	334,626	331,587	331,120
CASH FEES	909,643	913,008	913,381	946,784	967,883
DIVORCE FEES	137,290	136,220	127,075	137,400	129,450
LAW LIBRARY FEES	141,444	140,763	138,164	143,203	144,721
POSTAGE (SMALL CLAIMS)	158,510	178,295	180,248	179,745	188,620
PETTY OFFENSE	221,374	243,576	235,956	255,242	263,483
RESTITUTION	3,044,615	2,921,264	3,132,536	3,216,813	3,549,480
COURT APPOINTED ATTORNEY FEES *	1,159,909	1,315,988	1,466,305	1,624,787	1,821,346
NSF CHECK CHARGES	11,345	11,878	10,940	11,560	11,790
PASSPORT FEES	11,280	19,185	19,860	27,030	36,720
MARRIAGE FEES	21,340	21,660	20,960	19,660	19,580
DRUG TEST FEES	24,871	22,542	22,330	30,801	32,001
CHANGE OF VENUE	4,945	4,230	5,150	4,401	5,920
CHILD SUPPORT	5,911,698	4,928,851	3,860,185	3,024,363	2,340,689
CIVIL PASS THROUGH	111,812	52,244	52,686	55,946	59,692
ALIMONY	466,697	480,999	509,027	441,243	472,715
INTEREST-BEARING TRUST FUNDS	215,131	107,941	230,893	370,270	632,812
OTHER	56,732	138,129	97,063	111,414	152,385
TOTAL RECEIVED	\$37,002,260	\$35,731,497	\$35,797,493	\$36,083,228	\$36,975,689
DISBURSEMENTS					
BOND REFUNDS	5,033,140	6,205,742	6,171,755	6,129,282	5,950,752
REMITTED TO STATE	6,723,720	6,622,388	7,089,169	8,199,539	8,556,115
REMITTED TO CITY	825,883	801,425	851,078	962,476	873,302
REMITTED TO COUNTY	13,768,197	13,704,025	13,450,621	13,095,829	14,636,949
CHANGE OF VENUE	4,945	4,230	5,150	4,401	5,920
RESTITUTION	3,035,155	2,947,017	3,054,600	3,099,491	3,610,207
POSTAGE (SMALL CLAIMS)	158,510	178,295	180,248	179,745	188,620
CHILD SUPPORT	5,911,698	4,928,851	3,860,185	3,024,363	2,340,689
CIVIL PASS THROUGH	111,812	52,244	52,686	55,946	59,692
ALIMONY	466,697	480,999	509,027	441,243	472,715
INTEREST-BEARING TRUST FUNDS	112,948	117,064	356,521	414,720	545,933
OTHER	60,836	126,381	77,955	119,531	126,375
TOTAL DISBURSED	\$36,213,539	\$36,168,660	\$35,658,994	\$35,726,566	\$37,367,270

* 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.

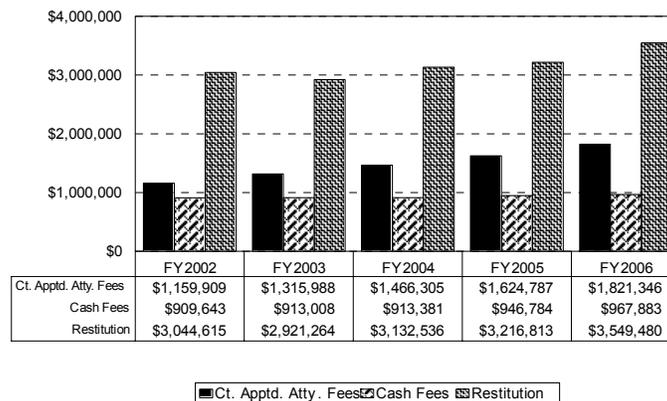
Cash fees is money paid by the public for services rendered by the court. Cash fees include such things as filing fees (the fee paid at the beginning of non-criminal court actions such as divorces or small claims actions), fees for providing certified transcripts of records, and fees paid for photocopying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

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

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

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

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



Fines and Costs

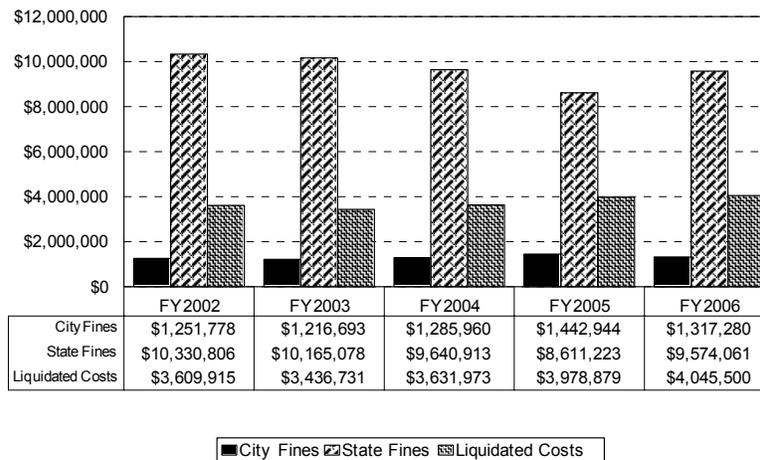
Chart 4, below, compares fines and liquidated costs collected for criminal cases over the last five years. **State fines** are fines assessed for violations of state laws and go to the school district of the county in which the violation occurred. **City fines** are fines assessed for violations of municipal ordinances and are returned to the city general fund (65%) and the state general fund (35%). **Liquidated costs** of \$27.00 are added to all fines for violations of state statutes, criminal offenses, and county or municipal traffic regulations (SDCL 23-3-52). The court occasionally waives all or part of the liquidated cost assessment if a defendant's financial hardship is evident.

Liquidated costs are split in compliance with SDCL 23-3-53. Approximately 63% is used for law enforce-

ment training (highway safety training, operating the drug enforcement unit, purchasing state law enforcement equipment, operating the state crime laboratory, training corrections personnel, prosecutors and UJS personnel) and 37% is returned to the counties on a percentage basis to assist in paying public defenders and court-appointed attorneys, operating costs associated with the 911 telecommunicator training, and costs associated with the defense for abused and neglected children. Liquidated costs are distributed annually by the State Treasurer in accordance with SDCL 23-3-53 as illustrated in Table 9 on page 29.

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

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



Child Support

Child support is one of the largest types of receipts processed by clerks of court. The clerk maintains a complete record of payments received and forwards it based on arrangements made with the recipient parent.

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

Disbursements

Charts 5, 6 and 7 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 collected. The remaining 35% is remitted to the state.

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

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

Constitution -- costs, and forfeitures, and various fees for civil filings. The county and state remittance over the past few years has increased significantly.

Chart 5. FY2006 UJS Selected Disbursements

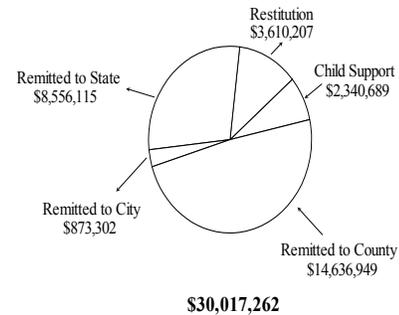


Chart 6. UJS Selected Disbursements Compared

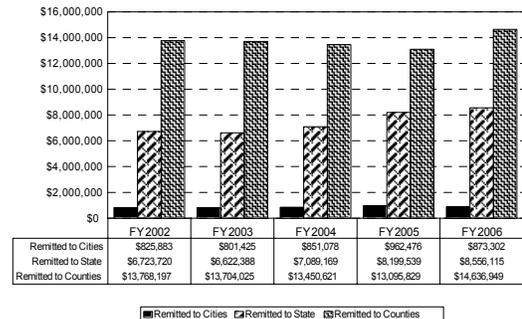


Chart 7. UJS Selected Revenue Disbursements

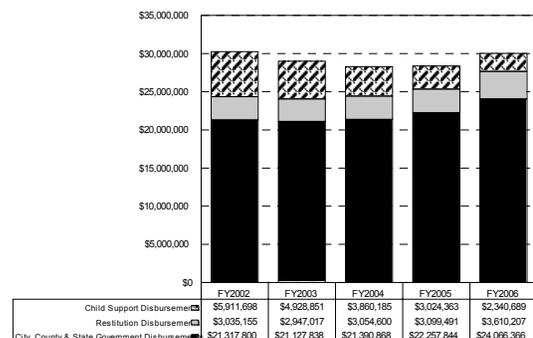


Table 8. COMPARISON OF STATE FINE RECEIPTS BY COUNTY AND CIRCUIT

COUNTIES:	FY2004	FY2005	FY2006	% Change FY04/FY06
1st CIRCUIT				
Aurora	\$38,014	\$36,631	\$36,227	-4.7%
Bon Homme	\$58,724	\$32,001	\$41,359	-29.6%
Brule	\$92,459	\$96,146	\$99,565	7.7%
Charles Mix	\$120,616	\$112,249	\$125,836	4.3%
Clay	\$172,790	\$189,384	\$214,721	24.3%
Davison	\$306,604	\$394,097	\$301,415	-1.7%
Douglas	\$23,985	\$22,134	\$25,322	5.6%
Hanson	\$30,166	\$32,185	\$28,184	-6.6%
Hutchinson	\$59,977	\$48,168	\$42,413	-29.3%
McCook	\$62,464	\$53,961	\$43,742	-30.0%
Turner	\$58,194	\$49,324	\$42,856	-26.4%
Union	\$485,945	\$388,482	\$535,628	10.2%
Yankton	\$323,657	\$259,172	\$352,447	8.9%
TOTAL	\$1,833,593	\$1,713,936	\$1,889,716	3.1%
2nd CIRCUIT				
Lincoln	\$243,414	\$221,769	\$264,209	8.5%
Minnehaha	\$1,338,672	\$1,151,623	\$1,300,897	-2.8%
TOTAL	\$1,582,086	\$1,373,392	\$1,565,106	-1.1%
3rd CIRCUIT				
Beadle	\$208,844	\$173,469	\$192,951	-7.6%
Brookings	\$398,394	\$379,291	\$422,480	6.0%
Clark	\$51,421	\$32,063	\$35,239	-31.5%
Codington	\$283,832	\$265,518	\$368,102	29.7%
Deuel	\$46,190	\$47,077	\$46,490	0.7%
Grant	\$64,584	\$60,962	\$64,395	-0.3%
Hamlin	\$41,304	\$46,105	\$41,441	0.3%
Hand	\$30,063	\$28,693	\$27,344	-9.0%
Jerauld	\$32,041	\$21,960	\$23,010	-28.2%
Kingbury	\$43,692	\$35,365	\$47,847	9.5%
Lake	\$138,931	\$143,070	\$207,091	49.1%
Miner	\$16,204	\$21,311	\$11,868	-26.8%
Moody	\$156,844	\$99,515	\$119,206	-24.0%
Sanborn	\$30,267	\$34,846	\$26,666	-11.9%
TOTAL	\$1,542,609	\$1,389,244	\$1,634,132	5.9%

COUNTIES:	FY2004	FY2005	FY2006	% Change FY04/FY06
4th CIRCUIT				
Butte	\$83,171	\$85,314	\$74,817	-10.0%
Corson	\$9,532	\$8,411	\$10,132	6.3%
Dewey	\$11,367	\$13,225	\$10,448	-8.1%
Harding	\$9,900	\$9,082	\$5,385	-45.6%
Lawrence	\$545,731	\$510,806	\$575,771	5.5%
Meade	\$596,866	\$502,866	\$555,845	-6.9%
Perkins	\$46,550	\$35,725	\$30,452	-34.6%
Ziebach	\$8,692	\$6,831	\$5,350	-38.4%
TOTAL	\$1,311,809	\$1,172,260	\$1,268,200	-3.3%
5th CIRCUIT				
Brown	\$456,823	\$417,568	\$443,950	-2.8%
Campbell	\$55,146	\$11,234	\$10,543	-80.9%
Day	\$72,687	\$69,025	\$79,175	8.9%
Edmunds	\$48,070	\$26,309	\$27,077	-43.7%
Faulk	\$31,180	\$12,121	\$9,087	-70.9%
Marshall	\$47,458	\$48,104	\$55,393	16.7%
McPherson	\$6,374	\$6,401	\$4,689	-26.4%
Roberts	\$274,864	\$303,308	\$336,175	22.3%
Spink	\$63,851	\$49,547	\$43,217	-32.3%
Walworth	\$155,213	\$91,076	\$95,153	-38.7%
TOTAL	\$1,211,665	\$1,034,694	\$1,104,459	-8.8%
6th CIRCUIT				
Bennett	\$52,692	\$37,243	\$39,603	-24.8%
Gregory	\$45,145	\$30,895	\$31,183	-30.9%
Haakon	\$35,080	\$9,897	\$11,221	-68.0%
Hughes	\$229,498	\$175,098	\$195,577	-14.8%
Hyde	\$32,281	\$26,729	\$16,876	-47.7%
Jackson	\$55,379	\$61,061	\$106,083	91.6%
Jones	\$29,716	\$17,028	\$36,506	22.8%
Lyman	\$100,777	\$98,871	\$86,051	-14.6%
Mellette	\$15,005	\$55,060	\$22,803	52.0%
Potter	\$55,342	\$15,494	\$22,875	-58.7%
Stanley	\$49,088	\$49,300	\$50,510	2.9%
Sully	\$40,206	\$29,592	\$32,595	-18.9%
Todd/Tripp	\$74,984	\$68,710	\$61,025	-18.6%
TOTAL	\$815,194	\$674,978	\$712,907	-12.5%
7th CIRCUIT				
Custer	\$91,853	\$79,188	\$89,476	-2.6%
Fall River/Shannon	\$137,653	\$117,631	\$106,172	-22.9%
Pennington	\$1,114,451	\$1,055,901	\$1,203,894	8.0%
TOTAL	\$1,343,957	\$1,252,720	\$1,399,542	4.1%

STATE	FY2004	FY2005	FY2006	% CHANGE FROM FY04/FY06
TOTALS	\$9,640,913	\$8,611,223	\$9,574,061	-0.7%

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 10.2% of the court-appointed attorney costs incurred. This figure is shown in the second column of Table 9 on page 29.

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

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

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

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

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

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

Chart 8. Court-Appointed Attorney Costs Compared to Repayment by Circuit - FY2006

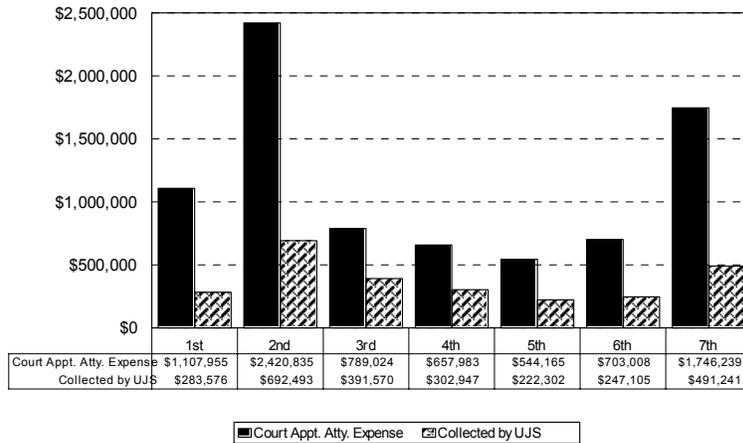
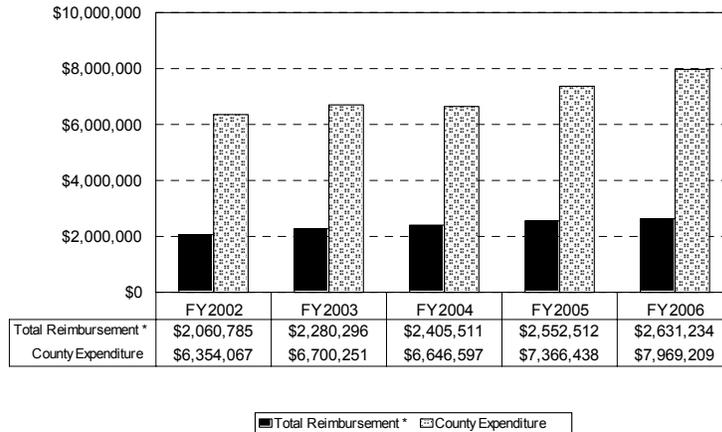


Chart 9. Court-Appointed Attorney Cost Payback by Fiscal Year



**Table 9. COUNTY EXPENDITURES AND REPAYMENT
FOR COURT-APPOINTED ATTORNEYS - FY2006**

Circuits and Counties	Total Paid By County	Allocated by Statute	Paid by Defendant *	Collected by UJS	Percent Paid
1st CIRCUIT					
Aurora	\$54,127	\$5,501	\$6,955	\$12,456	23.0%
Bon Homme	\$27,033	\$2,747	\$3,099	\$5,846	21.6%
Brule-Buffalo	\$42,728	\$4,342	\$10,412	\$14,755	34.5%
Charles Mix	\$166,266	\$16,897	\$24,971	\$41,868	25.2%
Clay	\$58,286	\$5,923	\$13,423	\$19,347	33.2%
Davison	\$275,499	\$27,998	\$3,781	\$31,779	11.5%
Douglas	\$20,974	\$2,132	\$6,920	\$9,052	43.2%
Hanson	\$35,745	\$3,633	\$6,441	\$10,074	28.2%
Hutchinson	\$28,249	\$2,871	\$8,809	\$11,680	41.3%
McCook	\$47,565	\$4,834	\$6,564	\$11,398	24.0%
Turner	\$64,622	\$6,567	\$712	\$7,279	11.3%
Union	\$152,655	\$15,514	\$30,349	\$45,863	30.0%
Yankton	\$134,205	\$13,639	\$48,541	\$62,179	46.3%
TOTAL	\$1,107,955	\$112,598	\$170,978	\$283,576	25.6%
2nd CIRCUIT					
Lincoln	\$145,686	\$14,806	\$24,300	\$39,106	26.8%
Minnehaha	\$2,275,149	\$231,217	\$422,170	\$653,387	28.7%
TOTAL	\$2,420,835	\$246,023	\$446,470	\$692,493	28.6%
3rd CIRCUIT					
Beadle	\$127,743	\$12,982	\$51,439	\$64,421	50.4%
Brookings	\$160,560	\$16,317	\$80,604	\$96,921	60.4%
Clark	\$7,571	\$769	\$6,860	\$7,630	100.8%
Codington	\$203,384	\$20,669	\$66,733	\$87,402	43.0%
Deuel	\$6,685	\$679	\$4,381	\$5,061	75.7%
Grant	\$55,002	\$5,590	\$19,197	\$24,787	45.1%
Hamlin	\$21,649	\$2,200	\$9,757	\$11,957	55.2%
Hand	\$18,270	\$1,857	\$8,656	\$10,513	57.5%
Jerauld	\$14,228	\$1,446	\$6,751	\$8,197	57.6%
Kingsbury	\$4,982	\$506	\$4,961	\$5,467	109.7%
Lake	\$64,522	\$6,557	\$21,304	\$27,861	43.2%
Miner	\$6,520	\$663	\$2,280	\$2,942	45.1%
Moody	\$74,120	\$7,533	\$25,022	\$32,555	43.9%
Sanborn	\$23,786	\$2,417	\$3,439	\$5,856	24.6%
TOTAL	\$789,024	\$80,186	\$311,384	\$391,570	49.6%
4th CIRCUIT					
Butte	\$120,103	\$12,206	\$37,586	\$49,791	41.5%
Corson	\$10,220	\$1,039	\$4,925	\$5,964	58.4%
Dewey	\$605	\$61	\$617	\$678	112.2%
Harding	\$4,201	\$427	\$575	\$1,002	23.9%
Lawrence	\$223,514	\$22,715	\$110,474	\$133,189	59.6%
Meade	\$275,892	\$28,038	\$71,496	\$99,534	36.1%
Perkins	\$22,055	\$2,241	\$8,762	\$11,004	49.9%
Ziebach	\$1,393	\$142	\$1,643	\$1,784	128.1%
TOTAL	\$657,983	\$66,869	\$236,078	\$302,947	46.0%
5th CIRCUIT					
Brown	\$129,823	\$13,194	\$86,853	\$100,046	77.1%
Campbell	\$13,305	\$1,352	\$3,028	\$4,380	32.9%
Day	\$56,754	\$5,768	\$8,313	\$14,081	24.8%
Edmunds	\$5,970	\$607	\$4,804	\$5,411	90.6%
Faulk	\$4,652	\$473	\$1,831	\$2,304	49.5%
Marshall	\$24,287	\$2,468	\$12,797	\$15,266	62.9%
McPherson	\$509	\$52	\$351	\$403	79.2%
Roberts	\$172,869	\$17,568	\$31,295	\$48,863	28.3%
Spink	\$20,932	\$2,127	\$6,878	\$9,006	43.0%
Walworth	\$115,064	\$11,694	\$10,849	\$22,543	19.6%
TOTAL	\$544,165	\$55,302	\$167,000	\$222,302	40.9%
6th CIRCUIT					
Bennett	\$88,954	\$9,040	\$18,489	\$27,529	30.9%
Gregory	\$40,289	\$4,094	\$5,391	\$9,485	23.5%
Haakon	\$19,394	\$1,971	\$8,984	\$10,955	56.5%
Hughes	\$223,958	\$22,760	\$44,568	\$67,328	30.1%
Hyde	\$2,807	\$285	\$352	\$638	22.7%
Jackson	\$18,741	\$1,905	\$8,418	\$10,322	55.1%
Jones	\$16,406	\$1,667	\$3,083	\$4,750	29.0%
Lyman	\$78,601	\$7,988	\$20,364	\$28,352	36.1%
Mellette	\$61,780	\$6,279	\$8,181	\$14,460	23.4%
Potter	\$7,273	\$739	\$7,778	\$8,517	117.1%
Stanley	\$42,176	\$4,286	\$16,016	\$20,302	48.1%
Sully	\$8,318	\$845	\$3,315	\$4,160	50.0%
Todd/Tripp	\$94,312	\$9,585	\$30,722	\$40,307	42.7%
TOTAL	\$703,008	\$71,445	\$175,661	\$247,105	35.1%
7th CIRCUIT					
Custer	\$35,762	\$3,634	\$20,061	\$23,695	66.3%
Fall River/Shannon	\$117,406	\$11,932	\$41,154	\$53,085	45.2%
Pennington	\$1,593,071	\$161,899	\$252,561	\$414,460	26.0%
TOTAL	\$1,746,239	\$177,465	\$313,775	\$491,241	28.1%

STATE TOTALS	Total Paid By County	Allocated by Statute	Paid by Defendant *	Collected by UJS	Percent Paid
	\$7,969,209	\$809,889	\$1,821,346	\$2,631,234	33.0%

* 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 - FY2006

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	\$54,127	21	58	\$2,577	36.2%
Bon Homme	\$27,033	24	107	\$1,126	22.4%
Brule-Buffalo	\$42,728	85	200	\$503	42.5%
Charles Mix	\$166,266	286	533	\$581	53.7%
Clay	\$58,286	77	479	\$757	16.1%
Davison	\$275,499	426	1,000	\$647	42.6%
Douglas	\$20,974	22	39	\$953	56.4%
Hanson	\$35,745	12	44	\$2,979	27.3%
Hutchinson	\$28,249	15	65	\$1,883	23.1%
McCook	\$47,565	41	105	\$1,160	39.0%
Turner	\$64,622	38	100	\$1,701	38.0%
Union	\$152,655	112	605	\$1,363	18.5%
Yankton	\$134,205	228	1,030	\$589	22.1%
TOTAL	\$1,107,955	1,387	4,365	\$799	31.8%
2nd CIRCUIT					
Lincoln	\$145,686	215	723	\$678	29.7%
Minnehaha	\$2,275,149	4,012	7,663	\$567	52.4%
TOTAL	\$2,420,835	4,227	8,386	\$1,245	50.4%
3rd CIRCUIT					
Beadle	\$127,743	198	478	\$645	41.4%
Brookings	\$160,560	234	967	\$686	24.2%
Clark	\$7,571	6	45	\$1,262	13.3%
Codington	\$203,384	304	1,022	\$669	29.7%
Deuel	\$6,685	21	59	\$318	35.6%
Grant	\$55,002	48	129	\$1,146	37.2%
Hamlin	\$21,649	20	57	\$1,082	35.1%
Hand	\$18,270	3	68	\$0	4.4%
Jerauld	\$14,228	7	30	\$2,033	23.3%
Kingsbury	\$4,982	16	54	\$311	29.6%
Lake	\$64,522	186	536	\$347	34.7%
Miner	\$6,520	9	27	\$724	33.3%
Moody	\$74,120	74	260	\$1,002	28.5%
Sanborn	\$23,786	9	36	\$2,643	25.0%
TOTAL	\$789,024	1,135	3,768	\$695	30.1%
4th CIRCUIT					
Butte	\$120,103	147	290	\$817	50.7%
Corson	\$10,220	10	18	\$1,022	55.6%
Dewey	\$605	2	14	\$302	14.3%
Harding	\$4,201	3	5	\$1,400	60.0%
Lawrence	\$223,514	445	1,487	\$502	29.9%
Meade	\$275,892	331	1,148	\$834	28.8%
Perkins	\$22,055	23	62	\$959	37.1%
Ziebach	\$1,393	3	8	\$464	37.5%
TOTAL	\$657,983	964	3,032	\$683	31.8%
5th CIRCUIT					
Brown	\$129,823	340	1,201	\$382	28.3%
Campbell	\$13,305	1	13	\$13,305	7.7%
Day	\$56,754	31	159	\$1,831	19.5%
Edmunds	\$5,970	8	38	\$746	21.1%
Faulk	\$4,652	6	20	\$775	30.0%
Marshall	\$24,287	34	111	\$0	30.6%
McPherson	\$509	0	9	\$0	0.0%
Roberts	\$172,869	222	616	\$779	36.0%
Spink	\$20,932	34	109	\$616	31.2%
Walworth	\$115,064	124	307	\$928	40.4%
TOTAL	\$544,165	800	2,583	\$680	31.0%
6th CIRCUIT					
Bennett	\$88,954	146	228	\$609	64.0%
Gregory	\$40,289	27	66	\$1,492	40.9%
Haakon	\$19,394	11	25	\$1,763	44.0%
Hughes	\$223,958	372	681	\$602	54.6%
Hyde	\$2,807	6	21	\$468	28.6%
Jackson	\$18,741	32	87	\$586	36.8%
Jones	\$16,406	10	32	\$1,641	8.5%
Lyman	\$78,601	47	117	\$1,672	37.0%
Mellette	\$61,780	84	127	\$735	221.1%
Potter	\$7,273	19	38	\$383	16.0%
Stanley	\$42,176	53	119	\$796	151.4%
Sully	\$8,318	14	35	\$594	7.3%
Todd/Tripp	\$94,312	101	192	\$934	52.6%
TOTAL	\$703,008	922	1,768	\$762	52.1%
7th CIRCUIT					
Custer	\$35,762	24	177	\$1,490	13.6%
Fall River/Shannon	\$117,406	118	279	\$995	42.3%
Pennington	\$1,593,071	2,488	5,725	\$640	43.5%
TOTAL	\$1,746,239	2,630	6,181	\$664	42.5%

	Total Paid By County	Appoint-ments	Misd. 1 & Felony Dispos'n	Avg. Pmt. Per Appt. *	Appts. as % of Dispos'n
STATE TOTALS	\$7,969,209	12,065	30,083	\$661	40.1%

* Does not include county reimbursements which substantially lowers the average payment per appointment to \$442 per case.
 (\$7,969,209-\$2,631,234 = \$5,337,975/12,065 = \$442)

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. FY2006 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>	
Amundson	277	Erickson	4,139	Anderson	6,521
Anderson, B.	5,609	Gienapp	7,622	Gors	6,034
Anderson, L.	10,784	Pierce	10,326	Smith	16,732
Cody	6,732	Roehr	5,981	Trandahl	10,830
Eng	5,823	Steele	5,668	Wilbur	10,288
Gienapp	414	Timm	5,256	TOTAL	50,405
Jensen	2,473	Tucker	6,554		
Kiner	6,812	TOTAL	45,546	<u>Seventh Circuit:</u>	
McMurchie	2,766			Delaney	900
Miller	10,648	<u>Fourth Circuit:</u>		Kern	1,200
Rusch	6,111	Bastian	5,880	O'Connor	480
TOTAL	58,449	Eckrich	5,225	Pahlke	1,500
		Johns	3,535	Severns	3,990
<u>Second Circuit:</u>		Johnson	4,925	Tice	270
Crissman	260	Macy	2,345	Trimble	720
Dietrich	324	Percy	1,320	TOTAL	9,060
Irvine	860	TOTAL	23,230		
Riepel	516	<u>Fifth Circuit:</u>			
Sage	902	Flemmer	10,692		
Severson	360	Lovrien	6,995		
Tiede	350	Myren	12,472		
Zell	6,024	Portra	9,836		
TOTAL	9,596	Von Wald	10,575		
		TOTAL	50,570		
				STATE TOTAL	246,856

**Table 12. FY2006 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	5,699	Butler	4,055	Brozik	7,978
Dringman	2,755	Kjellsen	7,402	Edson	11,097
Foltz	2,120	Mielke	691	Connot	15,865
Freeman	5,975	Moen	2,515	Lake	11,756
Friberg	2,578	Nihart	3,080	McKittrick	12,997
Gregg	18,900	Ramlo	3,345	Petersen	8,257
Gropper	1,750	Schneider	1,482	TOTAL	67,950
Hofer	25,547	Tappe	7,155	<u>Seventh Circuit:</u>	
Ibis	7,000	Ramynke	608	<u>Baloun</u>	13,125
Lindner	8,890	Wheelborg	6,068	Battista	1,287
Max	2,555	TOTAL	36,401	Dansby	2,998
McNeely	780	<u>Fourth Circuit:</u>		Drew	1,845
Mudder	18,357	Bickerdyke	26	Durfee	1,259
Nelsen	2,160	Burg	8,877	Fischer	2,055
Pepper	23,200	Coacher	10,428	Gordon	4,000
Priebe	14,803	Eiseman	731	Horner	1,199
Sudbeck	4,390	Frederickson	104	Mann	1,906
TOTAL	147,459	Jacobson	2,634	McMeekin	3,172
<u>Second Circuit:</u>		Pisciotta	4,485	Mitchell	1,913
Adler	824	Torgrude	286	Norris	3,826
Ahrendt	1,487	TOTAL	27,571	Oestreich	2,694
Aman	5,873	<u>Fifth Circuit:</u>		Osborne	208
Berthelson	1,431	Archer	5,820	Pankratz	3,423
Clark	969	Hansen	4,494	Peterson	2,169
Gravett	3,626	Krueger	512	Robb	1,878
Hall	4,428	Ingemansen	13,578	Stephens	3,015
Hansen	982	Rau	2,367	Veneklasen	3,955
Hoffmann	1,781	Rice	5,926	Wright	1,210
Kary	18	Simons	11,408	TOTAL	57,137
Kaufman	4,295	Hare	7,556	STATE TOTAL	
LeMair	357	Sutherland	4,178		450,744
Lillestol	8,605	Waldrop	7,103		
McDermott	977	TOTAL	62,942		
Rockafellow	4,499				
Simon	403				
Smith	416				
Sondgeroth	1,863				
Stokka	450				
Trove	1,867				
Tveidt	26				
Weber	1,382				
Willis	3,851				
Wolfgang	874				
TOTAL	51,284				

Chart 10. FY2006 Mileage Comparison by Circuit

