

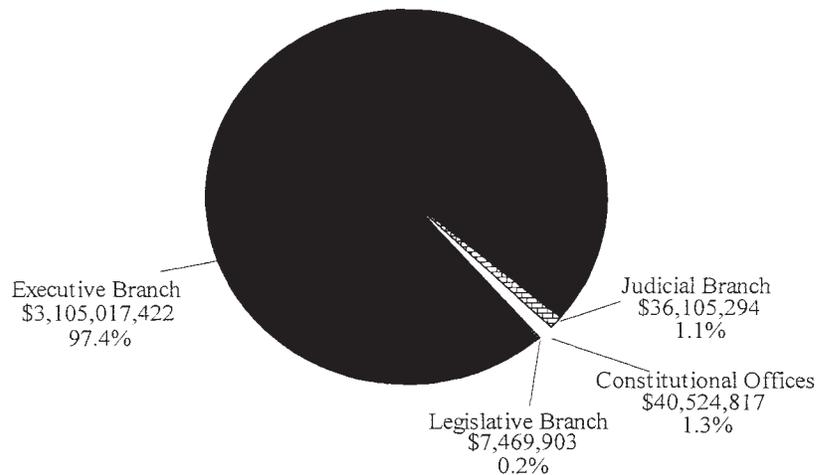
**FINANCES, RECEIPTS AND
DISBURSEMENTS**

Table 5. STATE BUDGET - FY2007

BRANCH OF GOVERNMENT	BUDGETED FTE	PERCENT OF TOTAL	BUDGET AMOUNT *	PERCENT OF TOTAL
EXECUTIVE BRANCH DEPARTMENTS:				
Executive Management	659.3	4.7%	\$110,735,613	3.5%
Revenue and Regulation	312.1	2.2%	\$55,329,854	1.7%
Agriculture	197.8	1.4%	\$29,122,313	0.9%
Tourism	193.9	1.4%	\$75,601,950	2.4%
Game, Fish and Parks	570.7	4.0%	\$60,458,750	1.9%
Social Services	990.5	7.0%	\$732,073,372	23.0%
Health	396.0	2.8%	\$65,274,781	2.0%
Labor	434.5	3.1%	\$43,433,877	1.4%
Transportation	1,075.3	7.6%	\$470,832,261	14.8%
Education	144.0	1.0%	\$517,152,421	16.2%
Public Safety	407.5	2.9%	\$55,549,116	1.7%
Board of Regents	5,419.2	38.4%	\$529,682,062	16.6%
Military and Veteran's Affairs	193.6	1.4%	\$30,416,794	1.0%
Corrections	904.5	6.4%	\$94,627,163	3.0%
Human Services	1,230.7	8.7%	\$217,922,304	6.8%
Environment and Natural Resources	173.5	1.2%	\$16,804,791	0.5%
EXECUTIVE BRANCH TOTAL	13,303.1	94.2%	\$3,105,017,422	97.4%
CONSTITUTIONAL OFFICES	253.3	1.8%	\$40,524,817	1.3%
LEGISLATIVE BRANCH	69.3	0.5%	\$7,469,903	0.2%
JUDICIAL BRANCH	498.8	3.5%	\$36,105,294	1.1%
STATE TOTALS	14,124.5	100.0%	\$3,189,117,436	100.0%

* Includes Informational Budgets

**Chart 2. South Dakota State Budget
FY2007**



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 (Table 5 on page 17), 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, and court services programs. State funding provides for salaries and benefits for the employees in these operations. This year's personal services expenditures were \$27.2 million for the system's full and part-time employees. The state also funded operating costs, including encumbrances, of \$7.1 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 re-

sponsible 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 prepares and submits the annual budget, administers the annual operating budget, and manages a uniform accounting system for the receipt and disbursement of all funds handled by circuit and magistrate courts. The following definitions apply to the information listed in Table 6 on page 21.

Definitions of Receipt Categories

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

City/County Fines/Penalties:

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

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

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

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

State Costs: Money collected in conjunction with state fines to cover county costs. These are deposited in the county general fund.

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

Court Automation Fund:

-Court Automation Surcharge: A surcharge is assessed on all criminal prosecutions and civil actions to fund court automation costs. The following is the court automation fee schedule effective July 1, 2004:

Civil actions, probate proceedings, other judicial proceedings	\$20.00
Small claims where the amount in controversy is \$0 to \$3,999.99	\$ 6.00
\$4,000 to \$8,000	\$ 8.00
All felony criminal cases	\$30.50
All Class 1 misdemeanors	\$20.50
All Class 2 misdemeanors (violation of state law)	\$11.50
All Class 2 misdemeanors (violation of county or municipal ordinance)	\$ 8.50
All violations of administrative rules with criminal penalties	\$ 8.50
All appeals, original actions or other actions filed with the Supreme Court	\$25.00

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

-Record Searches: A Fee of \$15 for each name search of court records if the search is being conducted for a person who is not a party to a pending state or federal action. A fee of \$5 for each name search of court records if the search is being conducted in conjunction with a pending state court or federal court action and the person making the records search request so certifies.

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

-Non-Resident Attorney Admissions: A \$100 portion of the \$200 admission fee. The other \$100 portion is paid to the state bar.

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 - FY2007

<u>RECEIPTS</u>	FIRST CIRCUIT	SECOND CIRCUIT	THIRD CIRCUIT	FOURTH CIRCUIT	FIFTH CIRCUIT	SIXTH CIRCUIT	SEVENTH CIRCUIT	STATE TOTAL
BONDS/UNDERTAKINGS/NO-INT TRUSTS	1,122,697	1,901,027	630,450	3,283,168	434,950	364,265	1,443,817	9,180,374
CITY FINES	132,951	728,586	194,154	15,724	54,712	14,120	164,931	1,305,177
CITY COSTS	949	4,845	355	251	0	270	2,191	8,861
CITY FORFEITURES	0	4,358	350	0	0	100	0	4,808
CITY PENALTIES	0	10,701	0	0	0	0	141	10,842
COUNTY FINES	10,191	681	13,072	136	218	0	598	24,895
COUNTY COSTS	120	23	0	83	0	0	10	236
COUNTY FORFEITURES	0	0	0	0	0	0	0	0
COUNTY PENALTIES	0	0	0	0	0	0	0	0
STATE FINES	1,837,867	1,763,329	1,824,304	1,284,064	1,153,604	665,131	1,454,219	9,982,519
STATE COSTS	137,583	138,178	142,336	100,071	64,140	48,543	149,717	780,569
STATE FORFEITURES	46,414	201,557	59,891	25,857	38,307	46,972	13,368	432,366
STATE PENALTIES	181,847	153,026	98,709	61,014	144,435	51,363	31,138	721,532
LIQUIDATED COSTS	671,171	1,127,133	621,480	317,327	397,897	273,248	604,179	4,012,434
COURT AUTOMATION FUND	563,248	634,582	1,366,846	243,970	376,260	367,345	362,524	3,914,775
VICTIM COMPENSATION - SURCHARGE	55,767	90,350	51,730	26,368	32,348	22,580	50,075	329,218
CASH FEES	150,176	286,851	151,789	78,892	102,076	58,255	169,463	997,501
DIVORCE FEES	19,250	37,675	20,900	12,600	11,600	7,000	26,550	135,575
LAW LIBRARY FEES	23,405	47,657	24,757	11,675	15,399	8,516	26,682	158,091
POSTAGE (SMALL CLAIMS)	29,493	61,897	29,788	13,037	19,825	9,041	36,647	199,729
PETTY OFFENSE	47,644	101,632	41,002	8,690	21,287	17,446	34,190	271,890
RESTITUTION	638,504	766,251	508,097	302,911	543,382	203,970	578,506	3,541,620
COURT APPOINTED ATTORNEY FEES *	152,120	562,466	330,108	245,727	189,753	196,145	344,785	2,021,103
NSF CHECK CHARGES	2,180	2,190	2,590	720	1,070	630	1,710	11,090
PASSPORT FEES	17,700	0	15,420	6,720	19,770	6,900	0	66,510
MARRIAGE FEES	7,020	0	4,960	1,380	3,300	1,740	420	18,820
DRUG TEST FEES	3,421	16,535	2,752	5,447	1,937	10,785	5,150	46,027
CHANGE OF VENUE	1,113	1,472	833	340	700	453	551	5,462
CHILD SUPPORT	288,992	305,798	408,552	192,777	124,408	124,025	324,595	1,769,147
CIVIL PASS THROUGH	4,021	13,833	9,903	1,947	28,646	8,728	4,924	72,003
ALIMONY	195,887	39,433	82,506	13,951	16,631	18,313	95,668	462,389
INTEREST-BEARING TRUST FUNDS	872	48,300	1,481	100,719	196,945	0	0	348,318
OTHER	53,312	62,737	23,290	12,283	18,366	7,348	40,476	217,811
TOTAL RECEIVED	\$6,395,914	\$9,113,101	\$6,662,405	\$6,367,849	\$4,011,966	\$2,533,231	\$5,967,224	\$41,051,691
<u>DISBURSEMENTS</u>								
BOND REFUNDS	891,240	1,596,693	643,907	3,493,712	420,035	414,819	734,498	8,194,905
REMITTED TO STATE	1,370,608	2,131,304	2,138,429	607,483	851,807	688,204	1,082,042	8,869,877
REMITTED TO CITY	87,367	488,214	126,783	10,471	35,563	9,513	109,487	867,398
REMITTED TO COUNTY	2,603,049	3,292,836	2,702,293	1,828,762	1,740,742	1,099,371	2,250,510	15,517,563
CHANGE OF VENUE	1,113	1,472	833	340	700	453	551	5,462
RESTITUTION	657,429	695,224	490,391	274,450	542,349	179,426	619,991	3,459,260
POSTAGE (SMALL CLAIMS)	29,493	61,897	29,788	13,037	19,825	9,041	36,647	199,729
CHILD SUPPORT	288,992	305,798	408,552	192,777	124,408	124,025	324,595	1,769,147
CIVIL PASS THROUGH	4,021	13,833	9,903	1,947	28,646	8,728	4,924	72,003
ALIMONY	195,887	39,433	82,506	13,951	16,631	18,313	95,668	462,389
INTEREST-BEARING TRUST FUNDS	10,579	0	0	0	23,105	0	0	33,685
OTHER	37,272	78,668	22,786	14,276	15,116	8,585	35,911	212,615
TOTAL DISBURSED	\$6,177,050	\$8,705,372	\$6,656,172	\$6,451,206	\$3,818,927	\$2,560,480	\$5,294,825	\$39,664,032

* 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

	FY2003	FY2004	FY2005	FY2006	FY2007
RECEIPTS					
BONDS/UNDERTAKINGS/NO-INT TRUSTS	5,791,708	6,341,626	6,421,189	5,507,010	9,180,374
CITY FINES	1,216,693	1,285,960	1,442,944	1,317,280	1,305,177
CITY COSTS	8,933	9,635	9,508	9,982	8,861
CITY FORFEITURES	2,526	4,279	2,993	2,661	4,808
CITY PENALTIES	N/A	N/A	20,168	8,244	10,842
COUNTY FINES	29,484	24,837	18,307	19,183	24,895
COUNTY COSTS	N/A	N/A	215	140	236
COUNTY FORFEITURES	N/A	N/A	0	0	0
COUNTY PENALTIES	N/A	N/A	0	0	0
STATE FINES	10,165,078	9,640,913	8,611,223	9,574,061	9,982,519
STATE COSTS	496,010	492,415	543,786	596,646	780,569
STATE FORFEITURES	274,108	420,134	295,538	427,088	432,366
STATE PENALTIES	N/A	N/A	525,751	699,663	721,532
LIQUIDATED COSTS	3,436,731	3,631,973	3,978,879	4,045,500	4,012,434
COURT AUTOMATION FUND	2,335,340	2,588,337	3,280,477	3,607,825	3,914,775
VICTIM COMPENSATION - SURCHARGE	338,114	334,626	331,587	331,120	329,218
CASH FEES	913,008	913,381	946,784	967,883	997,501
DIVORCE FEES	136,220	127,075	137,400	129,450	135,575
LAW LIBRARY FEES	140,763	138,164	143,203	144,721	158,091
POSTAGE (SMALL CLAIMS)	178,295	180,248	179,745	188,620	199,729
PETTY OFFENSE	243,576	235,956	255,242	263,483	271,890
RESTITUTION	2,921,264	3,132,536	3,216,813	3,549,480	3,541,620
COURT APPOINTED ATTORNEY FEES *	1,315,988	1,466,305	1,624,787	1,821,346	2,021,103
NSF CHECK CHARGES	11,878	10,940	11,560	11,790	11,090
PASSPORT FEES	19,185	19,860	27,030	36,720	66,510
MARRIAGE FEES	21,660	20,960	19,660	19,580	18,820
DRUG TEST FEES	22,542	22,330	30,801	32,001	46,027
CHANGE OF VENUE	4,230	5,150	4,401	5,920	5,462
CHILD SUPPORT	4,928,851	3,860,185	3,024,363	2,340,689	1,769,147
CIVIL PASS THROUGH	52,244	52,686	55,946	59,692	72,003
ALIMONY	480,999	509,027	441,243	472,715	462,389
INTEREST-BEARING TRUST FUNDS	107,941	230,893	370,270	632,812	348,318
OTHER	138,129	97,063	111,414	152,385	217,811
TOTAL RECEIVED	\$35,731,497	\$35,797,493	\$36,083,228	\$36,975,689	\$41,051,691
DISBURSEMENTS					
BOND REFUNDS	6,205,742	6,171,755	6,129,282	5,950,752	8,194,905
REMITTED TO STATE	6,622,388	7,089,169	8,199,539	8,556,115	8,869,877
REMITTED TO CITY	801,425	851,078	962,476	873,302	867,398
REMITTED TO COUNTY	13,704,025	13,450,621	13,095,829	14,636,949	15,517,563
CHANGE OF VENUE	4,230	5,150	4,401	5,920	5,462
RESTITUTION	2,947,017	3,054,600	3,099,491	3,610,207	3,459,260
POSTAGE (SMALL CLAIMS)	178,295	180,248	179,745	188,620	199,729
CHILD SUPPORT	4,928,851	3,860,185	3,024,363	2,340,689	1,769,147
CIVIL PASS THROUGH	52,244	52,686	55,946	59,692	72,003
ALIMONY	480,999	509,027	441,243	472,715	462,389
INTEREST-BEARING TRUST FUNDS	117,064	356,521	414,720	545,933	33,685
OTHER	126,381	77,955	119,531	126,375	212,615
TOTAL DISBURSED	\$36,168,660	\$35,658,994	\$35,726,566	\$37,367,270	\$39,664,032

* 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.

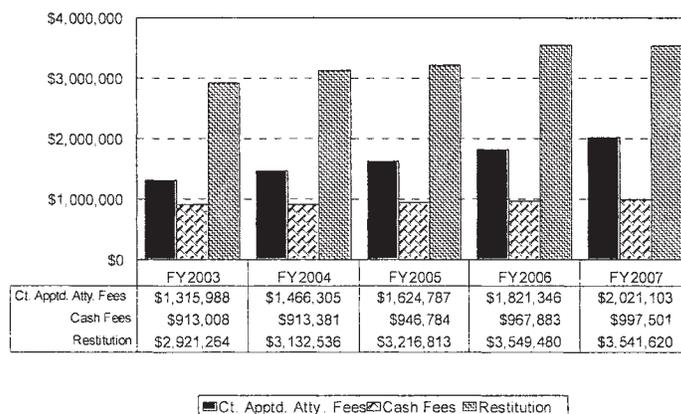
Cash fees is money paid by the public for services rendered by the court. Cash fees include such things as filing fees (the fee paid at the beginning of non-criminal court actions such as divorces or small claims actions), fees for providing certified transcripts of records, and fees paid for photocopying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

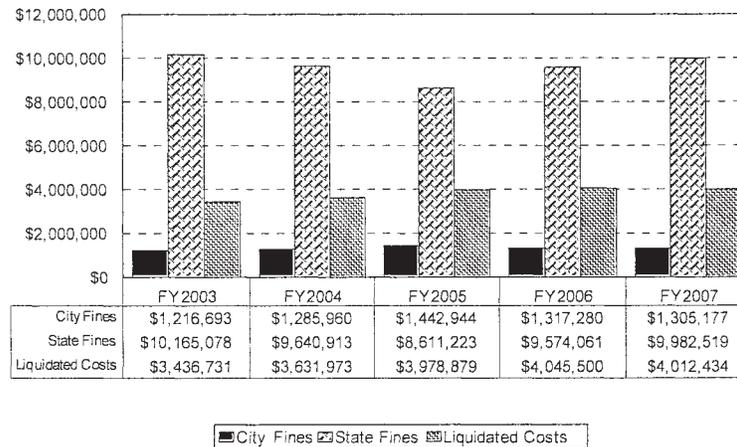
Chart 4, below, compares fines and liquidated costs collected for criminal cases over the last five years. **State fines** are fines assessed for violations of state laws and go to the school district of the county in which the violation occurred. **City fines** are fines assessed for violations of municipal ordinances and are returned to the city general fund (65%) and the state general fund (35%). **Liquidated costs** of \$30.00 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 75% is used for law enforcement training (highway safety train-

ing, operating the drug enforcement unit, purchasing state law enforcement equipment, operating the state crime laboratory, training corrections personnel, prosecutors and UJS personnel) and 25% is returned to the counties on a percentage basis to assist in paying public defenders and court-appointed attorneys, funding the court-appointed special advocates fund, 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 and liquidated costs have remained relatively constant while state fines have increased since FY2005.

**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. FY2007 UJS Selected Disbursements

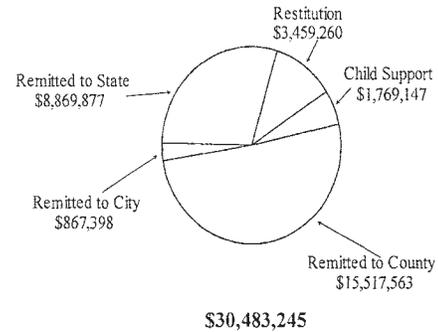


Chart 6. UJS Selected Disbursements Compared

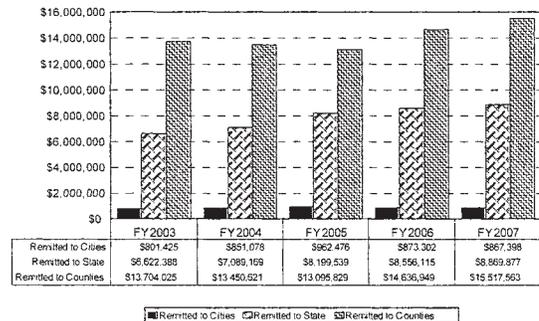


Chart 7. UJS Selected Revenue Disbursements

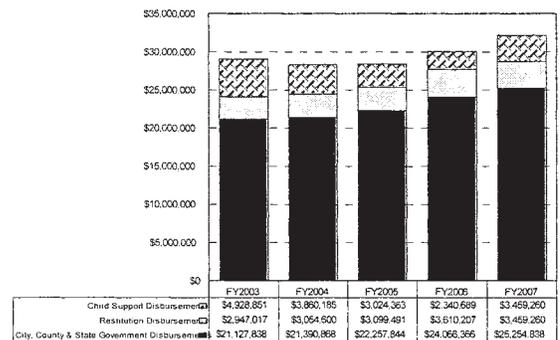


Table 8. COMPARISON OF STATE FINE RECEIPTS BY COUNTY AND CIRCUIT

COUNTIES:	FY2005	FY2006	FY2007	% Change FY05/FY07
1st CIRCUIT				
Aurora	\$36,631	\$36,227	\$37,780	3.1%
Bon Homme	\$32,001	\$41,359	\$39,725	24.1%
Brule	\$96,146	\$99,565	\$119,781	24.6%
Charles Mix	\$112,249	\$125,836	\$105,304	-6.2%
Clay	\$189,384	\$214,721	\$195,049	3.0%
Davison	\$394,097	\$301,415	\$310,661	-21.2%
Douglas	\$22,134	\$25,322	\$26,042	17.7%
Hanson	\$32,185	\$28,184	\$31,878	-1.0%
Hutchinson	\$48,168	\$42,413	\$38,413	-20.3%
McCook	\$53,961	\$43,742	\$76,519	41.8%
Turner	\$49,324	\$42,856	\$56,221	14.0%
Union	\$388,482	\$535,628	\$461,375	18.8%
Yankton	\$259,172	\$352,447	\$339,120	30.8%
TOTAL	\$1,713,936	\$1,889,716	\$1,837,867	7.2%
2nd CIRCUIT				
Lincoln	\$221,769	\$264,209	\$298,568	34.6%
Minnehaha	\$1,151,623	\$1,300,897	\$1,464,762	27.2%
TOTAL	\$1,373,392	\$1,565,106	\$1,763,329	28.4%
3rd CIRCUIT				
Beadle	\$173,469	\$192,951	\$205,258	18.3%
Brookings	\$379,291	\$422,480	\$438,024	15.5%
Clark	\$32,063	\$35,239	\$38,675	20.6%
Codington	\$265,518	\$368,102	\$485,022	82.7%
Deuel	\$47,077	\$46,490	\$56,945	21.0%
Grant	\$60,962	\$64,395	\$63,715	4.5%
Hamlin	\$46,105	\$41,441	\$35,190	-23.7%
Hand	\$28,693	\$27,344	\$33,487	16.7%
Jerauld	\$21,960	\$23,010	\$22,097	0.6%
Kingbury	\$35,365	\$47,847	\$58,593	65.7%
Lake	\$143,070	\$207,091	\$185,257	29.5%
Miner	\$21,311	\$11,868	\$10,293	-51.7%
Moody	\$99,515	\$119,206	\$165,755	66.6%
Sanborn	\$34,846	\$26,666	\$25,992	-25.4%
TOTAL	\$1,389,244	\$1,634,132	\$1,824,304	31.3%

COUNTIES:	FY2005	FY2006	FY2007	% Change FY05/FY07
4th CIRCUIT				
Butte	\$85,314	\$74,817	\$81,744	-4.2%
Corson	\$8,411	\$10,132	\$4,459	-47.0%
Dewey	\$13,225	\$10,448	\$6,846	-48.2%
Harding	\$9,082	\$5,385	\$11,689	28.7%
Lawrence	\$510,806	\$575,771	\$566,914	11.0%
Meade	\$502,866	\$555,845	\$573,924	14.1%
Perkins	\$35,725	\$30,452	\$36,462	2.1%
Ziebach	\$6,831	\$5,350	\$2,027	-70.3%
TOTAL	\$1,172,260	\$1,268,200	\$1,284,064	9.5%
5th CIRCUIT				
Brown	\$417,568	\$443,950	\$537,963	28.8%
Campbell	\$11,234	\$10,543	\$25,167	124.0%
Day	\$69,025	\$79,175	\$70,790	2.6%
Edmunds	\$26,309	\$27,077	\$46,574	77.0%
Faulk	\$12,121	\$9,087	\$15,675	29.3%
Marshall	\$48,104	\$55,393	\$46,572	-3.2%
McPherson	\$6,401	\$4,689	\$6,227	-2.7%
Roberts	\$303,308	\$336,175	\$243,151	-19.8%
Spink	\$49,547	\$43,217	\$52,746	6.5%
Walworth	\$91,076	\$95,153	\$108,739	19.4%
TOTAL	\$1,034,694	\$1,104,459	\$1,153,604	11.5%
6th CIRCUIT				
Bennett	\$37,243	\$39,603	\$39,243	5.4%
Gregory	\$30,895	\$31,183	\$24,048	-22.2%
Haakon	\$9,897	\$11,221	\$9,576	-3.2%
Hughes	\$175,098	\$195,577	\$168,615	-3.7%
Hyde	\$26,729	\$16,876	\$13,769	-48.5%
Jackson	\$61,061	\$106,083	\$53,437	-12.5%
Jones	\$17,028	\$36,506	\$25,997	52.7%
Lyman	\$98,871	\$86,051	\$122,414	23.8%
Mellette	\$55,060	\$22,803	\$23,539	-57.2%
Potter	\$15,494	\$22,875	\$23,571	52.1%
Stanley	\$49,300	\$50,510	\$61,146	24.0%
Sully	\$29,592	\$32,595	\$29,063	-1.8%
Todd/Tripp	\$68,710	\$61,025	\$70,713	2.9%
TOTAL	\$674,978	\$712,907	\$665,131	-1.5%
7th CIRCUIT				
Custer	\$79,188	\$89,476	\$73,279	-7.5%
Fall River/Shannon	\$117,631	\$106,172	\$84,415	-28.2%
Pennington	\$1,055,901	\$1,203,894	\$1,296,525	22.8%
TOTAL	\$1,252,720	\$1,399,542	\$1,454,219	16.1%

STATE TOTALS				% CHANGE FROM FY05/FY07
	FY2005	FY2006	FY2007	
	\$8,611,223	\$9,574,061	\$9,982,519	15.9%

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 \$6.00 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 10.0% 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 - FY2007

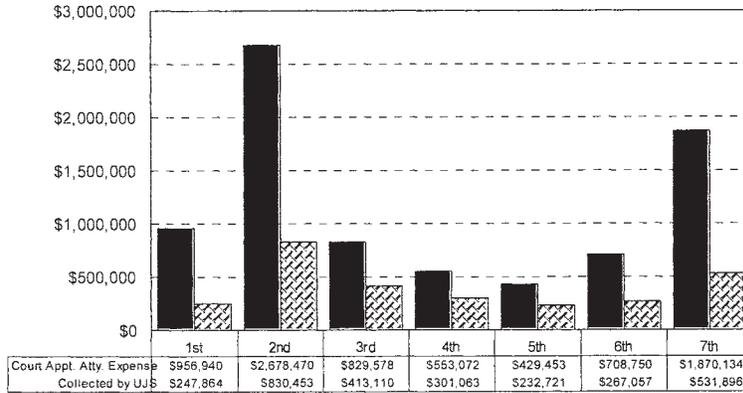
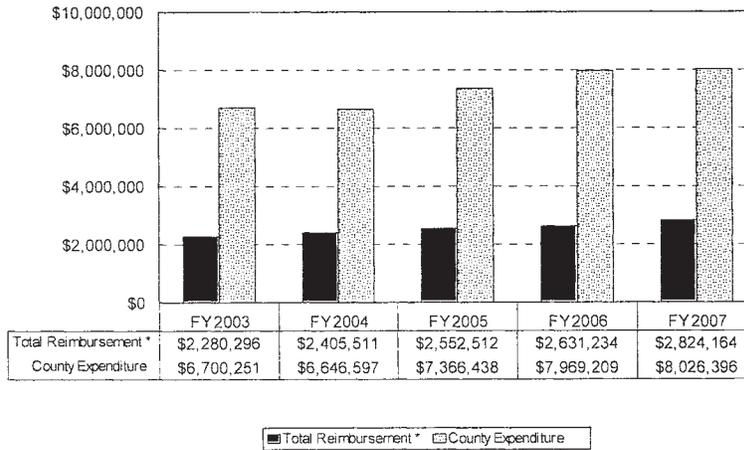


Chart 9. Court-Appointed Attorney Cost Payback by Fiscal Year



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

**Table 9. COUNTY EXPENDITURES AND REPAYMENT
FOR COURT-APPOINTED ATTORNEYS - FY2007**

Circuits and Counties	Total Paid By County	Allocated by Statute	Paid by Defendant *	Collected by UJS	Percent Paid
1st CIRCUIT					
Aurora	\$35,621	\$3,564	\$8,167	\$11,731	32.9%
Bon Homme	\$16,294	\$1,630	\$1,236	\$2,866	17.6%
Brule-Buffalo	\$43,949	\$4,397	\$7,511	\$11,908	27.1%
Charles Mix	\$143,368	\$14,344	\$33,546	\$47,890	33.4%
Clay	\$47,087	\$4,711	\$12,344	\$17,055	36.2%
Davison	\$236,377	\$23,650	\$3,353	\$27,003	11.4%
Douglas	\$26,323	\$2,634	\$4,916	\$7,550	28.7%
Hanson	\$22,617	\$2,263	\$4,771	\$7,034	31.1%
Hutchinson	\$23,559	\$2,357	\$17,022	\$19,379	82.3%
McCook	\$73,854	\$7,389	\$5,870	\$13,260	18.0%
Turner	\$64,195	\$6,423	\$567	\$6,990	10.9%
Union	\$129,137	\$12,920	\$10,874	\$23,795	18.4%
Yankton	\$94,559	\$9,461	\$41,941	\$51,402	54.4%
TOTAL	\$956,940	\$95,744	\$152,120	\$247,864	25.9%
2nd CIRCUIT					
Lincoln	\$169,325	\$16,941	\$49,107	\$66,048	39.0%
Minnehaha	\$2,509,144	\$251,046	\$513,359	\$764,405	30.5%
TOTAL	\$2,678,470	\$267,988	\$562,466	\$830,453	31.0%
3rd CIRCUIT					
Beadle	\$157,491	\$15,757	\$51,928	\$67,686	43.0%
Brookings	\$150,315	\$15,039	\$73,225	\$88,265	58.7%
Clark	\$19,527	\$1,954	\$3,271	\$5,225	26.8%
Codington	\$220,518	\$22,063	\$72,602	\$94,665	42.9%
Deuel	\$14,816	\$1,482	\$7,388	\$8,871	59.9%
Grant	\$56,188	\$5,622	\$20,941	\$26,562	47.3%
Hamlin	\$9,625	\$963	\$9,869	\$10,832	112.5%
Hand	\$10,113	\$1,012	\$4,390	\$5,402	53.4%
Jerauld	\$10,097	\$1,010	\$9,501	\$10,511	104.1%
Kingsbury	\$16,554	\$1,656	\$13,649	\$15,305	92.5%
Lake	\$70,005	\$7,004	\$21,814	\$28,818	41.2%
Miner	\$9,046	\$905	\$1,178	\$2,083	23.0%
Moody	\$76,851	\$7,689	\$36,921	\$44,610	58.0%
Sanborn	\$8,431	\$844	\$3,430	\$4,274	50.7%
TOTAL	\$829,578	\$83,001	\$330,108	\$413,110	49.8%
4th CIRCUIT					
Butte	\$112,509	\$11,257	\$41,249	\$52,505	46.7%
Corson	\$10,947	\$1,095	\$2,780	\$3,876	35.4%
Dewey	\$1,301	\$130	\$648	\$778	59.8%
Harding	\$1,887	\$189	\$3,828	\$4,017	212.8%
Lawrence	\$292,466	\$29,262	\$113,067	\$142,329	48.7%
Meade	\$113,175	\$11,323	\$70,771	\$82,094	72.5%
Perkins	\$18,576	\$1,859	\$8,307	\$10,165	54.7%
Ziebach	\$2,210	\$221	\$5,078	\$5,299	239.7%
TOTAL	\$553,072	\$55,336	\$245,727	\$301,063	54.4%
5th CIRCUIT					
Brown	\$147,985	\$14,806	\$94,781	\$109,587	74.1%
Campbell	\$8,110	\$811	\$6,430	\$7,242	89.3%
Day	\$45,044	\$4,507	\$10,812	\$15,319	34.0%
Edmunds	\$6,315	\$632	\$4,505	\$5,137	81.3%
Faulk	\$18,249	\$1,826	\$1,326	\$3,152	17.3%
Marshall	\$49,597	\$4,962	\$10,631	\$15,594	31.4%
McPherson	\$995	\$100	\$0	\$100	10.0%
Roberts	\$44,279	\$4,430	\$32,742	\$37,172	84.0%
Spink	\$45,161	\$4,519	\$11,275	\$15,794	35.0%
Walworth	\$63,717	\$6,375	\$17,250	\$23,625	37.1%
TOTAL	\$429,453	\$42,968	\$189,753	\$232,721	54.2%
6th CIRCUIT					
Bennett	\$79,553	\$7,960	\$25,044	\$33,004	41.5%
Gregory	\$50,289	\$5,032	\$13,459	\$18,491	36.8%
Haakon	\$7,865	\$787	\$1,943	\$2,730	34.7%
Hughes	\$217,096	\$21,721	\$50,471	\$72,192	33.3%
Hyde	\$7,944	\$795	\$3,545	\$4,339	54.6%
Jackson	\$20,474	\$2,048	\$5,610	\$7,658	37.4%
Jones	\$17,013	\$1,702	\$4,516	\$6,218	36.5%
Lyman	\$84,062	\$8,411	\$20,453	\$28,863	34.3%
Mellette	\$61,572	\$6,160	\$20,675	\$26,836	43.6%
Potter	\$2,018	\$202	\$2,211	\$2,413	119.6%
Stanley	\$52,957	\$5,298	\$12,693	\$17,991	34.0%
Sully	\$7,662	\$767	\$4,081	\$4,847	63.3%
Todd/Tripp	\$100,246	\$10,030	\$31,445	\$41,475	41.4%
TOTAL	\$708,750	\$70,912	\$196,145	\$267,057	37.7%
7th CIRCUIT					
Custer	\$38,111	\$3,813	\$21,750	\$25,563	67.1%
Fall River/Shannon	\$114,225	\$11,429	\$39,070	\$50,499	44.2%
Pennington	\$1,717,797	\$171,870	\$283,965	\$455,835	26.5%
TOTAL	\$1,870,134	\$187,112	\$344,785	\$531,896	28.4%

	Total Paid By County	Allocated by Statute	Paid by Defendant *	Collected by UJS	Percent Paid
STATE TOTALS	\$8,026,396	\$803,061	\$2,021,103	\$2,824,164	35.2%

* 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 - FY2007

Circuits and Counties	Total Paid By County	Appointments	Misd. 1 & Felony Dispos'n	Avg. Pmt. Per Appt.	Appts. as % of Dispos'n
1st CIRCUIT					
Aurora	\$35,621	11	40	\$3,238	27.5%
Bon Homme	\$16,294	28	85	\$582	32.9%
Brule-Buffalo	\$43,949	98	247	\$448	39.7%
Charles Mix	\$143,368	284	490	\$505	58.0%
Clay	\$47,087	69	395	\$682	17.5%
Davison	\$236,377	389	919	\$608	42.3%
Douglas	\$26,323	7	25	\$3,760	28.0%
Hanson	\$22,617	6	29	\$3,769	20.7%
Hutchinson	\$23,559	19	56	\$1,240	33.9%
McCook	\$73,854	50	119	\$1,477	42.0%
Turner	\$64,195	53	132	\$1,211	40.2%
Union	\$129,137	108	521	\$1,196	20.7%
Yankton	\$94,559	165	819	\$573	20.1%
TOTAL	\$956,940	1,287	3,877	\$744	33.2%
2nd CIRCUIT					
Lincoln	\$169,325	268	810	\$632	33.1%
Minnehaha	\$2,509,144	4,000	7,428	\$627	53.9%
TOTAL	\$2,678,470	4,268	8,238	\$1,259	51.8%
3rd CIRCUIT					
Beadle	\$157,491	198	473	\$795	41.9%
Brookings	\$150,315	221	850	\$680	26.0%
Clark	\$19,527	2	52	\$9,764	3.8%
Codington	\$220,518	322	1,091	\$685	29.5%
Deuel	\$14,816	14	69	\$1,058	20.3%
Grant	\$56,188	51	129	\$1,102	39.5%
Hamlin	\$9,625	16	42	\$602	38.1%
Hand	\$10,113	2	43	\$0	4.7%
Jerauld	\$10,097	6	29	\$1,683	20.7%
Kingsbury	\$16,554	16	74	\$1,035	21.6%
Lake	\$70,005	132	362	\$530	36.5%
Miner	\$9,046	28	46	\$323	60.9%
Moody	\$76,851	98	326	\$784	30.1%
Sanborn	\$8,431	14	35	\$602	40.0%
TOTAL	\$829,578	1,120	3,621	\$741	30.9%
4th CIRCUIT					
Butte	\$112,509	105	252	\$1,072	41.7%
Corson	\$10,947	3	17	\$3,649	17.6%
Dewey	\$1,301	3	16	\$434	18.8%
Harding	\$1,887	4	17	\$472	23.5%
Lawrence	\$292,466	338	1,290	\$865	26.2%
Meade	\$113,175	284	1,092	\$399	26.0%
Perkins	\$18,576	19	63	\$978	30.2%
Ziebach	\$2,210	5	8	\$442	62.5%
TOTAL	\$553,072	761	2,755	\$727	27.6%
5th CIRCUIT					
Brown	\$147,985	334	1,316	\$443	25.4%
Campbell	\$8,110	12	33	\$676	36.4%
Day	\$45,044	50	149	\$901	33.6%
Edmunds	\$6,315	7	59	\$902	11.9%
Faulk	\$18,249	6	35	\$3,042	17.1%
Marshall	\$49,597	21	91	\$0	23.1%
McPherson	\$995	1	9	\$0	11.1%
Roberts	\$44,279	230	728	\$193	31.6%
Spink	\$45,161	46	146	\$982	31.5%
Walworth	\$63,717	78	241	\$817	32.4%
TOTAL	\$429,453	785	2,807	\$547	28.0%
6th CIRCUIT					
Bennett	\$79,553	112	205	\$710	54.6%
Gregory	\$50,289	42	77	\$1,197	54.5%
Haakon	\$7,865	7	19	\$1,124	36.8%
Hughes	\$217,096	372	687	\$584	54.1%
Hyde	\$7,944	8	23	\$993	34.8%
Jackson	\$20,474	44	182	\$465	24.2%
Jones	\$17,013	16	32	\$1,063	12.4%
Lyman	\$84,062	56	129	\$1,501	49.1%
Mellette	\$61,572	67	114	\$919	209.4%
Potter	\$2,018	4	32	\$504	3.2%
Stanley	\$52,957	51	126	\$1,038	91.1%
Sully	\$7,662	18	56	\$426	9.1%
Todd/Tripp	\$100,246	98	198	\$1,023	49.5%
TOTAL	\$708,750	895	1,880	\$792	47.6%
7th CIRCUIT					
Custer	\$38,111	27	174	\$1,412	15.5%
Fall River/Shannon	\$114,225	151	301	\$756	50.2%
Pennington	\$1,717,797	2,689	6,190	\$639	43.4%
TOTAL	\$1,870,134	2,867	6,665	\$652	43.0%

	Total Paid By County	Appointments	Misd. 1 & Felony Dispos'n	Avg. Pmt. Per Appt. *	Appts. as % of Dispos'n
STATE TOTALS	\$8,026,396	11,983	29,843	\$670	40.2%

* Does not include county reimbursements which substantially lowers the average payment per appointment to \$434 per case.
 (\$8,026,396-\$2,824,164 = \$5,202,232/11,983 = \$434)

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. FY2007 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.	6,848	Erickson	7,210	Anderson	7,581
Anderson, L.	1,236	Foley	1,315	Gors	4,622
Bern	544	Gienapp	7,807	Smith	16,803
Bjorkman	2,157	Pierce	9,638	Trandahl	10,855
Cody	4,858	Roehr	6,077	Wilbur	12,470
Dobberpuhl*	10,870	Steele	3,053	TOTAL	52,331
Eng	8,520	Timm	5,077		
Gienapp*	1,558	Tucker	7,584	<u>Seventh Circuit:</u>	
Jensen	3,959	TOTAL	47,761	Davis	2,030
Kiner	10,522			Delaney	1,530
Rusch	8,369	<u>Fourth Circuit:</u>		O'Connor	1,560
TOTAL	59,441	Bastian	8,583	Pahlke	2,640
		Eckrich	3,760	Severns	1,470
<u>Second Circuit:</u>		Johnson	3,788	Tice	90
Dietrich	690	Macy	5,681	Trimble	2,880
Kean	732	Percy	3,940	TOTAL	12,200
Irvine	728	TOTAL	25,752		
Riepel	350	<u>Fifth Circuit:</u>			
Sage	650	Anderson	7,221		
Severson	470	Dobberpuhl	1,708		
Steele*	230	Flemmer	9,626		
Tiede	620	Myren	10,672		
Zell	1,900	Portra	8,464		
TOTAL	6,370	Von Wald	10,162		
		TOTAL	47,853		
				STATE TOTAL	251,708

* Outside Circuit Judge

**Table 12. FY2007 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	4,942	Butler	3,645	Brozik	8,839
Dringman	4,278	Kjellsen	5,949	Connot	10,310
Foltz	2,374	Mielke	1,067	Edson	17,451
Freeman	5,365	Moen	3,370	Espeland	11,229
Frieberg	3,180	Nihart	3,610	Lake	12,389
Gregg	10,900	Ramlo	4,194	Petersen	8,052
Gropper	1,430	Schneider	2,225	TOTAL 68,270	
Hofer	26,621	Tappe	5,396	<u>Seventh Circuit:</u>	
Lindner	9,315	Ramynke	1,622	Baloun	26,736
Max	3,651	Wheelborg	4,790	Drew	185
McNeely	584	TOTAL 35,868		Durfee	235
Moore	1,442	<u>Fourth Circuit:</u>		Fischer	389
Mudder	12,553	Bickerdyke	1,128	Horner	922
Nelsen	1,840	Coacher	12,200	Mann	1,114
Pepper	18,950	Eiseman	2,287	McMeekin	1,182
Priebe	15,524	Eskew	168	Mitchell	913
Sudbeck	2,450	Frederickson	1,382	Paizkill	116
TOTAL 125,399		Jacobson	1,887	Peterson	674
<u>Second Circuit:</u>		Pisciotta	268	Robb	1,093
Adler	1,674	Torgrude	1,547	Stephens	1,055
Ahrendt	2,616	TOTAL 20,867		TOTAL 34,614	
Aman	10,585	<u>Fifth Circuit:</u>			
Berthelson	2,446	Archer	4,064		
Clark	4,471	Erhardt	3,452		
Gravett	3,753	Hansen	3,207		
Hall	4,081	Krueger	7,655		
Hansen	7,022	Ingemansen	7,034		
Hoffmann	1,789	Rau	2,923		
Kary	812	Rice	4,796		
Kaufman	5,273	Simons	14,233		
Lillestol	10,785	Hare	7,325		
McDermott	3,884	Sutherland	1,297		
Rockafellow	3,693	Waldrop	7,051		
Simon	3,533	TOTAL 63,037			
Smith	1,808				
Stokka	3,312				
Strege	2,321				
Trove	1,938				
Tveidt	792				
Weber	3,235				
Weisenberger	814				
Willis	3,932				
Wolfgang	139				
TOTAL 84,708				STATE TOTAL 432,763	

Chart 10. FY2007 Mileage Comparison by Circuit

