



Criminal Justice Funding for Counties

Unified Judicial System and the Departments of Corrections and Social Services

Overview

Governor Noem's recommended budget includes \$2.4 million in ongoing general funds to assist counties with the cost of providing certain criminal justice services. The Governor is recommending the creation of an Office of Indigent Legal Services to ensure that all citizens have access to legal counsel. Additionally, Governor Noem is recommending \$1.0 million in general funds to increase the incentive payment for juvenile diversion opportunities.

Indigent Legal Defense

South Dakota is currently one of only six states without a centralized system to support indigent legal services. The current system is disjointed with models varying by county. This creates challenges for the courts to obtain counsel for those in need and for the counties to fund those services. HB 1064 of the 2023 session required the Unified Judicial System to assemble a task force to analyze the current county-based system for indigent legal defense and make recommendations for improvement. This task force recommended the creation of a statewide Office of Indigent Legal Services.

The Governor's budget recommendation includes \$1,412,831 in ongoing general funds to support this office, which will streamline services and help counties secure counsel at an estimated cost savings of \$1.5-\$2 million each year to the counties. The office will also provide training and mentorship for court appointed counsel.

Juvenile Diversion Funding

The Governor is recommending \$1.0 million in ongoing general funds to increase the reimbursement provided to counties for youth who successfully complete a diversion program. This funding will allow the Department of Corrections to increase the payment from \$250 up to \$750 per successful completion. Diversion programs provide services, treatment, and resources for youth in the community and are proven to be an effective intervention method, with 84% of participants successfully completing a program. This funding will support our next generation rather than put them on a path toward the criminal justice system in the future.