

OFFICE OF THE  
LEGISLATIVE  
FISCAL  
ANALYST

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**MEMORANDUM FOR:**

LAW ENFORCEMENT AND CRIMINAL JUSTICE INTERIM COMMITTEE

**FROM:** Gary R. Syphus

**DATE:** August 15, 2012

**SUBJECT:** Capital Punishment Fiscal Costs

Below please find, per your request, an estimate of costs associated with capital punishment. This is not an official fiscal note. It is given as an informal estimate of potential impacts to state and local governments. Additional information and further research may change this estimate.

**State Impact**

Capital punishment as a result of a capital offense may have the following costs for 10 cases on average per year:

1. Attorney General: \$560,000 ongoing General fund for post-conviction death penalty processing.
2. Courts: \$25,000 ongoing General Fund for .5 law clerk and jury selection in death penalty cases.
3. Finance:
  - a. \$100,800 from the General Fund (Post Conviction Indigent Defense Fund) for post-conviction defense of offenders unable to pay.
  - b. \$363,000 ongoing from the Indigent Capital Defense Trust Fund
4. Public Safety: \$5,000 ongoing General Fund or more for forensic testing and processing at the State Crime Lab for every 100 hours of forensic expert time.

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For death penalty offenders whose execution is realized, additional one-time costs include:

1. Corrections: \$165,000 one-time from the General Fund for increased workload and materials related to the execution process.
2. Board of Pardons and Parole: \$27,700 from the General Fund for final case review and hearings.

For every offender that is executed prior to age 76, there is an estimated average ongoing savings of \$28,000 from the General Fund per year.

### **Local Government Impact**

For every potential death penalty case (1.15 cases/year), local governments could pay for the following:

1. Prosecution and Defense Costs: \$460,000 ongoing or more for attorneys, investigators, and specialists (app. 1.15 cases/year).
2. Incarceration Costs: \$9,000 ongoing for jailing potential death penalty offenders.

Certain counties pay a total of approximately \$363,000 ongoing on average into the State Indigent Defense Capital Trust Fund to pay for capital defense costs.

### Sources:

*Thomas Brunker, Assistant Attorney General*  
*Paul Boyden, Director, Statewide Association of Prosecutors*  
*Kent Hart, Director, Utah Association of Criminal Defense Lawyers*  
*Clark Harms, Director, Board of Pardons and Parole*  
*Rick Schwermer, Deputy Director, Utah State Courts*  
*Mike Haddon, Deputy Director, Utah Department of Corrections*  
*Reid Richards, Utah Sheriff's Association*  
*Jay Henry, Director, State Crime Lab, Utah Department of Public Safety*  
*Compendium of Budget Information (COBI), Legislative Fiscal Analyst*  
*2010 United States Census*