



MONTANA LEGISLATIVE BRANCH

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Director
AMY CARLSON

DATE: March 9, 2012
TO: Legislative Finance Committee
FROM: Greg DeWitt, Legislative Fiscal Division
RE: Death Penalty Costs Report Follow-up

At your March 8, 2012, meeting during the presentation of the Death Penalty Costs report the following questions were raised:

- o Do the costs for each type of case that are listed on page 2 of 5 represent the costs for a single case or all cases in the case type included in the Kansas study
- o What are Montana correctional costs for an inmate sentenced to death verses the same inmate sentenced to live in prison without the possibility of parole

The following addresses the above questions.

Per Case Costs

After a review of the Kansas study, the numbers presented in my report for the case types were identified to be for the entire population of cases by case type and not for the average per case costs as I originally responded to Senator Jones. The following table breaks the amounts down to representative single case information:

Single Case Costs – Death Penalty Costs Report			
	Death Sentence (7 cases in group)	Death Penalty Sought But Not Given (7 cases in group)	Death Penalty Not Sought (8 cases in group)
Total Costs for Case Type (total for all in the group)	\$10.6 million	\$6.6 million	\$6.3 million
Most Expensive Case	2.4 million	1.1 million	1.0 million
Least Expensive Case	1.1 million	0.7 million	0.6 million
Median Cost of a Case	1.2 million	0.9 million	0.7 million
Average Cost of a Case	1.5 million	0.9 million	0.8 million

Source: Costs Incurred for Death Penalty Cases: A k-GOAL Audit of the Department of Corrections, Kansas Legislative Division of Post Audit, December 2003.

Montana Correctional Costs

Based on the following demographics of Montana's current death row inmates and assumptions for SB 236 (2009 Legislature):

- o Average life expectancy for males - 75.15 years
- o Average annual cost to house a male - \$33,592
- o Ronald Allen Smith age 26 years in March 1983 when sentenced (28 years currently served)
- o William Jay Gollehon age 28 years in March 1992 when sentenced (21 years currently served)

With an assumed inflation factor of 3%, the estimated additional corrections cost for the two Montana inmates currently serving on death row would be \$2.6 million if today their sentences were converted to life without the possibility of parole. The estimated cost already incurred to house these two inmates is \$1.3 million. The Montana estimated correctional costs cannot be directly compared to the above per cases data from the Kansas report because the Kansas study provides no indication of offender age at time of sentencing. The two Montana death row inmates were sentenced at relatively young ages yielding long periods of incarceration until the average life expectancy age.