

WHAT DOES THE DEATH PENALTY COST KANSAS TAXPAYERS?

More states are questioning the death penalty due to its high cost. Because of extra preparation and a separate sentencing phase required in capital cases, lengthier appeals, and the added costs of incarcerating death row inmates, studies consistently find the death penalty to be more costly than life without parole. Kansas is no exception: the state has spent millions of dollars on the death penalty since reinstating it in 1994.

Study after Study, Death Penalty Costs More than Life without Parole

Several studies have looked at the cost of Kansas' death penalty since its reinstatement in 1994. These studies' findings are consistent: a death sentence costs more than the alternative of life in prison without parole.



1994 Fiscal Note estimated that, when Kansas reinstated the death penalty, it would cost the state an extra \$2.4 - 4.2 million a year.



2003 Legislative Post Audit found that capital cases ending in a death sentence cost over their lifetime 70% more (\$1.2 million v. \$740,000) than similar cases in which the death penalty was not sought.



2014 Judicial Council Study found that defense and district court costs are 3-4 times higher for trials where the death penalty is sought than for trials in similar cases where it is not sought.



Death Penalty's Impact on Local Communities

Beyond its impact on the state budget, the death penalty is a burden on local county budgets. Expensive capital cases can lead to unexpected costs and even tax increases.



Cost to Osage County: In 2011, the county raised property taxes by two mills to pay for the costs of Kraig Kahler's capital trial and planned courtroom improvements (the trial's final price tag was \$141,370).



Cost to Labette County: For the prosecution of David Bennett, the Kansas Attorney General's office recommended that the county set aside \$150,000 for the trial in 2015, with the costs to the county likely to grow to \$350,000-500,000.



Cost to Franklin County: In advance of the capital trial of Kyle Flack, the county set aside \$100,000 in its 2015 county budget for the costs of court proceedings.

TIME IS MONEY

Capital cases set in motion a lengthy process that inflicts recurring cost on the state. Beyond fiscal costs, capital cases force lawyers and judicial employees to dedicate inordinate time to a handful of cases. These opportunity costs can be significant. Capital trials on average are over twice as long as trials in similar cases where the death penalty is not sought (40.13 v. 16.79 days). Kansas Supreme Court Justices estimate they spend five times more hours - and 20 times more when writing the opinion - on death penalty cases.

16.79 DAYS

When the death penalty is NOT sought.

40.13 DAYS

When the death penalty IS sought.

IMPACT ON KANSAS GOVERNMENTS

- The FY 2026 budget for Kansas' public defense system is \$67.3 million. Capital case cost is projected at \$7.39 million which would be 11% of the budget for cases comprising less than 1% of the caseload.
- In their study of Kansas death penalty cost, Baumgartner and Cook estimated the EXTRA cost to Kansas state and local governments for capital prosecutions in the period 2014-2018 to be:
 - "\$8,980,100 – Defense in capital cases and subsequent representation of death-sentenced defendants;
 - \$1,162,500 – Prosecution in capital cases and representation of the State for appeal of death sentences;
 - \$425,000 District courts; and
 - \$10,567,600 – Total sum of defense, prosecution, and district court costs."

PLEA DEALS IN CAPITAL CASES DO NOT SAVE MONEY

Some say the death penalty is cost-effective, arguing that it saves money through plea deals. But the data suggest otherwise. In Kansas, defense and district court costs for capital cases ending in a plea deal are still higher than for similar cases going to trial where the death penalty is not sought (\$146,858 v. \$120,517).

