

Study: Utah could save money with death penalty ban; bill could make it happen

THURSDAY , FEBRUARY 15, 2018 - 5:00 AM



Trent Nelson

FILE - This June 18, 2010, file photo shows the firing squad execution chamber at the Utah State Prison, in Draper, Utah. Utah lawmakers are nearing their deadline to decide if they want to abolish the death penalty in the conservative state. The final day of the legislative session is Thursday, March 10, 2016, and lawmakers have until

conservative state. The final day of the legislative session is Thursday, March 10, 2018, and lawmakers have until midnight to vote. Last year, Utah lawmakers voted to reinstate firing squads as a backup method to ensure the state had a way to kill death row inmates if it couldn't get lethal-injection drugs. (Trent Nelson/Salt Lake Tribune via AP, Pool, File)



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SALT LAKE CITY — A new study suggests Utah would save money by eliminating the death penalty and imposing life without parole, and a bill proposed in the Legislature this week could make that happen.

The report — released Friday by the [Utah Commission on Criminal and Juvenile Justice](https://justice.utah.gov/) (<https://justice.utah.gov/>) — says giving someone convicted of a capital offense life in prison without the possibility of parole would cost the state less than pursuing the death penalty and the ensuing appeals.

The CCJJ report says that although the state has not done a “rigorous comparative cost study,” there’s no reason to suggest that Utah’s criminal justice system is significantly different — in terms of costs — than other states who have done these types of financial studies. The report was compiled by a number of attorneys, advocates and law experts from around the state.

Although the last official study in Utah was in 2012, the state report suggests Utah would be similar to other states that have found a life sentence ultimately costs less than the death penalty.

In the 2012 study, a legislative analyst estimated a death penalty case costs \$1.6 million more than a life sentence without parole in Utah. Legislation has also been proposed during the 2018 session that would allow the state to do a [comprehensive study to determine the cost](http://www.standard.net/Police-Fire/2017/11/27/Lawmaker-wants-deeper-look-at-Utah-death-penalty-costs/) (<http://www.standard.net/Police-Fire/2017/11/27/Lawmaker-wants-deeper-look-at-Utah-death-penalty-costs/>) of a typical death penalty case. The legislator who ordered the

Utah death penalty costs) of a typical death penalty case. The legislator who ordered the 2012 study — Rep. Stephen Handy, R-Layton — is the same lawmaker proposing the 2018 bill.

> Layton lawmaker wants deeper look at Utah death penalty costs

(<http://www.standard.net/Police-Fire/2017/11/27/Lawmaker-wants-deeper-look-at-Utah-death-penalty-costs>)

New legislation introduced Tuesday could potentially eliminate the death penalty in future cases.

If it passes, House Bill 379 (<https://le.utah.gov/~2018/bills/static/HB0379.html>) would prohibit the state from seeking the death penalty for any aggravated murder committed after May 7, 2018. Aggravated murder is the only charge that is punishable by death in Utah.

However, the bill would not eliminate the death penalty entirely for the state. HB 379 would not overturn prior death sentences, and the nine men who are currently on Utah's death row (<https://corrections.utah.gov/images/deathrow.pdf>) could still face execution. All nine death row inmates have ongoing appeals at either the state or federal level.

> State death penalty discussion highlights Utah cases, issues

(<http://www.standard.net/Police-Fire/2018/01/17/State-death-penalty-discussion-highlights-Utah-cases-issues>)

The bill would also allow prosecutors to pursue the death penalty in ongoing cases, as long as they file a notice with their intent to do so before the bill's potential cutoff date in May 2018.

The bill's sponsor, Rep. Gage Froerer (<http://house.utah.gov/rep/FROERG>), R-Huntsville, cited the recent CCJJ study as a reason for his proposed legislation.

Froerer said Wednesday his bill is similar to one proposed in 2016 (<https://le.utah.gov/~2016/bills/static/SB0189.html>) that narrowly failed in the Senate. Froerer also said he has received a positive response from legislators around Capitol Hill, but he said there is still a group of lawmakers that opposes doing away with the death

penalty.

> [Lawsuit against Weber County highlights larger issue in Utah court system](http://www.standard.net/Courts/2018/02/09/Lawsuit-against-Weber-County-highlights-larger-issue-in-Utah-court-system)
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Death penalty cases have been a contentious issue as of late, especially in Weber County.

Samuel Newton, a Montana-based attorney, [claimed in a lawsuit filed Jan. 21](http://www.standard.net/Courts/2018/02/09/Lawsuit-against-Weber-County-highlights-larger-issue-in-Utah-court-system)
(<http://www.standard.net/Courts/2018/02/09/Lawsuit-against-Weber-County-highlights-larger-issue-in-Utah-court-system>) that Weber County terminated his contract after he expressed frustrations with the county to the court and local media outlets. Newton was contracted by the county to defend Doug Lovell — a Weber County man appealing his [2015 death sentence](http://www.standard.net/Courts/2015/03/18/Jury-convicts-Lovell-in-1985-Joyce-Yost-murder)
(<http://www.standard.net/Courts/2015/03/18/Jury-convicts-Lovell-in-1985-Joyce-Yost-murder>) — at the time of his [termination](http://www.standard.net/Courts/2017/09/27/Weber-County-officials-pick-new-defense-lawyer-in-Lovell-death-penalty-case)
(<http://www.standard.net/Courts/2017/09/27/Weber-County-officials-pick-new-defense-lawyer-in-Lovell-death-penalty-case>).

The lawsuit points to a larger issue Utah has faced in the past. In a handful of death penalty appeals, the state has struggled to find qualified attorneys willing to take on the large caseload. In addition to representing Lovell, Newton recently represented death row inmate Floyd Maestas in a post-conviction appeal before Newton asked a 3rd District Court judge to dismiss him from the case, according to [The Salt Lake Tribune](https://www.sltrib.com/news/2017/09/18/two-death-row-inmates-need-new-attorneys-but-will-anyone-sign-up/)
(<https://www.sltrib.com/news/2017/09/18/two-death-row-inmates-need-new-attorneys-but-will-anyone-sign-up/>).

In 2008, a judge in West Jordan's 3rd District Court had to force an attorney to take on an appeal for death row inmate Ralph Menzies after the court could not find a qualified attorney to willingly take on the case, according to [Deseret News](https://www.deseretnews.com/article/695253153/Judge-forces-attorney-to-represent-death-row-inmate.html)
(<https://www.deseretnews.com/article/695253153/Judge-forces-attorney-to-represent-death-row-inmate.html>).

Weber County is one of five counties in the state that foot the bill for death penalty cases themselves. In the rest of the state, each county pays a pre-determined amount into a state fund that pays for the prosecution in capital offense cases.

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