I.R.E. 615. Exclusion of Witnesses.

Idaho Rules of Evidence Rule 615. Exclusion of Witnesses.

(a) General rule. At the request of a party the court may order witnesses excluded so that they cannot hear the testimony of other witnesses, and it may make the order of its own motion. This rule does not authorize exclusion of (1) a party who is a natural person, or (2) an officer or employee of a party that is not a natural person designated as its representative by its attorney, or (3) a person whose presence is shown by a party to be essential to the presentation of the party's cause, or (4) a crime victim whose exclusion is prohibited under Article I, Section 22 of the Idaho constitution.

(b) Preliminary hearings. Notwithstanding subsection (a) of this rule, in a preliminary hearing if either party requests it the magistrate must exclude all non-party witnesses who have not been examined.

(c) Child witnesses. Notwithstanding subsections (a) and (b) hereof or any other statutory provision, when a child is summoned as a witness in any hearing in any criminal matter, including any preliminary hearing, parents, a counselor, friend or other person having a supportive relationship with the child may, in the discretion of the court, remain in the courtroom during the child's testimony.

(Adopted January 8, 1985, effective July 1, 1985; amended March 18, 1998, effective July 1, 1998.)

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