



## **Idaho Treatment Court Rule 11**

### **Idaho Treatment Court Rule 11. Participation in a Treatment Court Outside of the Originating County**

(a) For the purpose of allowing a defendant to participate in a Treatment Court in a different county, including any county outside of the originating judicial district, the originating court may order a change of venue or transfer of supervision under the following conditions.

(1) Change of Venue. The originating court shall enter an order changing venue in the underlying criminal case only after:

(A) the defendant has entered a plea of guilty or has been found guilty in the originating county;

(B) the Treatment Court Judge in the receiving county has stipulated to the change of venue; and

(C) the prosecuting attorneys from each county involved stipulate to the change of venue.

(2) Transfer of Supervision. If a defendant has been accepted into the out-of-county Treatment Court, the sentencing judge can, without the need of a change of venue;

(A) order as a condition of probation (in post-sentencing Treatment Courts), or

(B) order (in presentence Treatment Courts) that the defendant participate and successfully complete an out-of-county Treatment Court.

(b) The Notice of Eligibility for Treatment Court shall only be entered by a Treatment Court Judge or designee after a Treatment Court Team's assessment of the defendant's eligibility, and in the circumstance where a change of venue is desired, there is consent to the change of venue by all necessary parties as set forth in I.R.T.C. 11(a)(1).



(c) If a defendant is ordered to participate in an out-of-county Treatment Court, the Treatment Court Judge in the receiving court shall have the authority to impose incentives and sanctions, including jail time, upon the participant. If a participant is terminated from the Treatment Court, the procedures outlined in I.R.T.C. 17 shall be followed.

(d) Clerk's Duties.

(1) Upon entry of an order for change of venue, the clerk of the originating court reassigns the case within the court's case management system.

(2) In cases where a transfer of supervision occurs, the clerk in the receiving county shall forward all signed court orders to the originating county.

(3) In cases where a transfer of supervision occurs, the clerk in the originating county shall post the charge(s) for out-of-county Treatment Court fees as ordered by the judge.

(e) Treatment Court Fees.

(1) Change of Venue: In the case where a change of venue has occurred, all fees, fines, court costs, and restitution shall be paid in and distributed by the receiving county.

(2) Transfer of Supervision: Where there has been a transfer of supervision, the originating judge or Treatment Court Judge shall order the payment of Treatment Court fees to the county of the applicable Treatment Court. All other fees, costs, fines and restitution shall be paid in the originating county, which shall then forward the amount of Treatment Court fees to the county of the applicable Treatment Court. Upon graduation or termination, the originating Court shall enter an order stopping the assessment of Treatment Court fees.

(Adopted April 29, 2022, effective July 1, 2022; amended June 12, 2023, effective July 1, 2023.)

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