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## **I.C.R. 48. Dismissal by the Court.**

### **Idaho Criminal Rule 48. Dismissal by the Court**

**(a) Dismissal on Motion and Notice.** The court, on notice to all parties, may dismiss a criminal action on its own motion or on motion of any party on either of the following grounds:

(1) for unnecessary delay in presenting the charge to the grand jury or if an information is not filed within the time period prescribed by Rule 7(f), or for unnecessary delay in bringing the defendant to trial, or

(2) for any other reason if the court concludes that dismissal will serve the ends of justice and the effective administration of the court's business.

**(b) Order of Dismissal.** When a court dismisses a criminal action, the order of dismissal must state the court's reasons for dismissal.

**(c) Effect of Dismissal.** An order for dismissal is a bar to any other prosecution for the same offense if it is a misdemeanor, unless the order of dismissal is due to the defendant's agreement to participate in a diversion program pursuant to Idaho Code § 19-3509, in which case the action may be refiled for failure to complete the diversion program. An order for dismissal is not a bar if the offense is a felony.

(Adopted February 22, 2017, effective July 1, 2017; amended May 14, 2019, effective July 1, 2019.)

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