



## **I.I.R. 6. Appearance of Defendant - Admission of Citation by Mail - Answer of A Defendant - Trial Date Notice or Continuance Notice.**

Idaho Infraction Rule 6. Appearance of Defendant - Admission of Citation by Mail - Answer of A Defendant - Trial Date Notice or Continuance Notice.

(a) Admission of Citation By Mail. Any person charged with an infraction by a citation may enter an admission by paying the total amount due, which includes fixed penalty and court costs, by mail. Payment of the total amount by mail shall constitute an admission of the charge. The total amount must be mailed by the defendant so as to be received by the court on or before the appearance date set forth in the citation. If a personal check is dishonored and returned to the court for any reason, the defendant will be deemed not to have appeared on the citation and default judgment may be entered against the defendant under Rule 8; and in addition thereto, the maker of the check may be prosecuted for such other misdemeanor or felony for issuance of the check as may be provided by law.

(b) Appearance of Defendant. Unless the defendant mails the total amount due to the court under subsection (a) of this rule, the defendant shall appear before the clerk to answer the charge set forth in a citation or complaint as provided in this rule. If the defendant denies the charge, no bail shall be required, and the defendant shall thereafter be present in court at the time of the trial set by the court or the clerk. If the defendant appears on a citation at the time stated in the citation and the citation has not been delivered to the court, the court may dismiss the citation.

(c) First Appearance and Answer or Continuance Before Clerk of the Court. The defendant shall appear before the clerk to enter an answer to an infraction citation or complaint on or before the appearance date. If the defendant admits the charge, judgment shall be entered against the defendant as provided by Rule 9. If the defendant denies the charge, the clerk shall set the trial date for the citation or complaint and serve a copy of the written trial date notice upon the defendant. If, at the first appearance, the defendant desires additional time before answering the charge, the clerk shall issue a continuance notice and serve a copy upon the defendant. The trial date notice and continuance notice shall be substantially in the form provided by these rules and may be served upon the defendant by personal delivery or by mailing to the address in the citation, or other address furnished by the defendant, and no further notice need be given to the defendant.

(d) Appearance by Defendant Through Attorney. A defendant may also appear, answer and have judgment entered through an attorney, who shall either appear in person or shall file, at or before the time for appearance, a written appearance and answer on behalf of the defendant. The court may, in its discretion, require the presence of the defendant at any stage of the proceeding not otherwise required by these rules.

(e) Trial Date Notice or Continuance Notice. Whenever a defendant is given a trial date setting or a continuance at or after the defendant's first appearance, such notice shall be given by a written notice delivered to the defendant in substantially the following form:



[Click here](#) [1] for form.

(Adopted March 23, 1983, effective July 1, 1983; amended February 10, 1993, effective July 1, 1993; amended April 19, 1995, effective July 1, 1995 amended March 21, 2007, effective July 1, 2007; amended May 30, 2018, effective July 1, 2018.)

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### **Links**

[1] [https://isc.idaho.gov/./rules/forms/IIR\\_6\\_Form.pdf](https://isc.idaho.gov/./rules/forms/IIR_6_Form.pdf)