

In the Supreme Court of the State of Idaho

RE: GRAND JURY
PROCEEDINGS

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ORDER

To allow for the impaneling of grand juries while also addressing public safety during grand jury proceedings, as well as mitigating the risk of the rise in COVID-19 cases, pursuant to Idaho Court Administrative Rule 48, grand jury proceedings shall be subject to the following standards until further order of the Court.

1. All provisions in Idaho Criminal Rules 6 – 6.5 remain in full force and effect except to the extent modified by this order.
 2. As used in this order, the “presiding judge” is the district judge who ordered that a grand jury be impaneled.
 3. A district judge may order the impaneling of a grand jury at any time during a calendar week unless the Administrative District Judge has determined on the Thursday prior to commencement of proceedings to impanel the grand jury:
 - a. The county in which the prospective grand jurors have been summoned has a seven-day moving average incidence rate of confirmed or presumed cases of COVID19 of 25.0 or greater per 100,000 population as reflected on the Cases by County page of the Idaho Department of Health and Welfare’s COVID-19 Data Dashboard available at www.coronavirus.idaho.gov;
- OR
- b. The county in which the prospective grand jurors have been summoned has a seven-day moving average incidence rate of confirmed or presumed cases of COVID19 of between 14.0 and 24.9 per 100,000 population and an upward or increasing 7-day trend as reflected by the Seven-Day Moving Average Incidence Rate on the Cases by County page of the Idaho Department of Health and Welfare’s COVID-19 Dashboard available at www.coronavirus.idaho.gov. An upward trend occurs when the seven-day moving average incidence rate for the current Thursday is higher than the seven-day moving average incidence rate for the prior Thursday;
 4. Notwithstanding the conditions set forth in paragraph two, an Administrative District Judge may, in the exercise of discretion, enter an order prohibiting the impaneling of a grand jury in a county where there are circumstances beyond the incidence rates which pose a substantial increase in the health or safety risks to grand jury participants. Such an