

Proposed Amendments to Idaho Criminal Rule 25(a)

The Idaho Supreme Court is seeking input on the following proposed amendments to Idaho Criminal Rule 25(a). Please send any comments to Lori Fleming, Staff Attorney, Idaho Supreme Court, **by Wednesday April 15, 2020.**

Proposed Amendments: Amends I.C.R. 25(a) to clarify that the right to disqualification without cause applies only in felony and misdemeanor criminal actions; it does not apply to infractions.

Idaho Criminal Rule 25. Disqualification of Judge

(a) Disqualification of Judge Without Cause. In all felony and misdemeanor criminal actions, except actions before drug courts or mental health courts, the parties each have the right to one disqualification without cause of the judge, except as provided in this rule, under the following conditions and procedures:

(1) *Motion to Disqualify.* In any felony or misdemeanor criminal action, excluding actions before drug courts or mental health courts, any party may disqualify one judge by filing a motion for disqualification without stating any grounds, and the motion must be granted if timely filed. Each party in a felony prosecution will have one disqualification without cause of the magistrate appointed to hear the preliminary hearing and another disqualification without cause of the district judge appointed to hear the trial of the action.

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