

In the Supreme Court of the State of Idaho

IN RE: AMENDMENT OF)
IDAHO CRIMINAL RULE 32(e)) ORDER
_____)

The Court, having received a recommendation to amend Idaho Criminal Rule 32(e), and the Court being fully informed;

IT IS ORDERED that Idaho Criminal Rule 32(e) be amended as follows:

(e) Information That May be Included in a the-Presentence Report.

(1) *Content.* ~~The~~ A presentence report may include information of a hearsay nature where the presentence investigator believes that the information is reliable, ~~and the court may consider that information.~~ The court judge may consider material ~~contained~~ in the presentence report that ~~is would have been~~ inadmissible under the rules of evidence applicable at a trial. ~~While not all information in a presentence report need be in the form of sworn testimony and admissible in trial,~~ Conjecture and speculation ~~must~~should not be included in the presentence report. ~~Any p~~Pictures or depictions of child pornography ~~that are included as report attachments to the report must be placed in a separate envelope and marked, as such, with a~~ Access is restricted to ~~only those~~ permitted allowed by the ~~trial~~ court.

(2) *Previous Charges Against Defendant.* The ~~court~~ sentencing judge may consider information in a presentence report regarding a previous charge against the defendant that was dismissed after a successful probation ~~period~~.

(3) *Idaho Sentencing Information Database.* The presentence report may include a report found at <https://courtdata.idaho.gov/Reporting> ~~generated from use of the Sentencing Tool of the Idaho Sentencing Information Database (<http://sentencing.isc.idaho.gov/>),~~ and may contain a ~~narrative~~ description of the ~~database report findings database results.~~

IT IS FURTHER ORDERED that this order and these amendments shall be effective immediately.

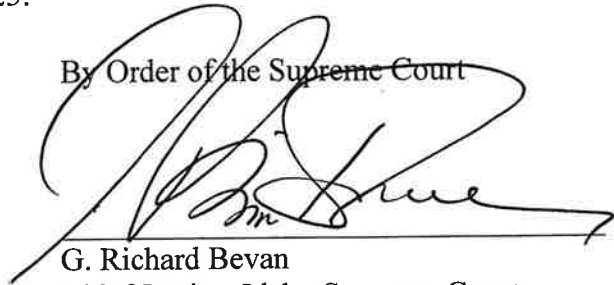
IT IS FURTHER ORDERED that the above designation of the striking of words from the Rules by lining through them, and the designation of the addition of new portions of the Rules by underlining such new portion is for the purposes of information only as amended, and NO

OTHER AMENDMENTS ARE INTENDED. The lining through and underlining shall not be considered a part of the permanent Idaho Criminal Rules.

IT IS FURTHER ORDERED that notice of this Order shall be published for three consecutive weeks on the Idaho State Bar's website and in its weekly E-Bulletin, and that as soon as practicable, a summary of the amendment(s) effected by this Order shall be published in one issue of *The Advocate*.

DATED this 28th day of March, 2025.

By Order of the Supreme Court



G. Richard Bevan
Chief Justice, Idaho Supreme Court

I, Melanie Gagnepain, Clerk of the Supreme Court/
Court of Appeals of the State of Idaho, do hereby
Certify that the above is a true and correct copy of the
Order entered in the above entitled
cause and now on record in my office. WITNESS my
hand and the Seal of this Court 3-21-25
Melanie Gagnepain, Clerk

ATTEST:



Melanie Gagnepain, Clerk

By  Deputy