

In the Supreme Court of the State of Idaho

IN RE: AMENDMENTS TO IDAHO)
MISDEMEANOR CRIMINAL RULE 6)
_____)

ORDER

The Court, having received a recommendation to amend Idaho Misdemeanor Criminal Rule 6, and being fully informed as to the recommendation:

NOW, THEREFORE, IT IS ORDERED that the Idaho Misdemeanor Criminal Rules are amended as follows:

Rule 6. First Appearance of Defendant - Plea of Defendant - Trial Date Notice or Continuance Notice.

(c) Duties of Court to Advise Defendant of Rights. At the first appearance of the defendant before the court on a uniform citation or sworn complaint, the court shall inform the defendant of his constitutional rights and the rights provided in the Idaho Criminal Rules, and these rules. Such advice of rights may be announced to all defendants at each session of court at the commencement of the court hearing, rather than advising each of the defendants individually when they come before the court. If the offense has a permissible penalty of imprisonment, or if the conviction of the offense could cause a subsequent conviction to be enhanced from a misdemeanor to a felony, then or in either of such events the defendant shall be advised that he has the right to court appointed counsel at public expense if he is indigent. If the defendant is found by the court to be entitled to court appointed counsel, the court shall appoint such counsel unless the defendant voluntarily waives his right to counsel. In addition, the defendant must sign and submit the following form entitled "Notification of Rights -Misdemeanor"; unless the defendant is charged with both a felony and a misdemeanor, in which case only the Notification of Rights (Felony) form, found in Appendix A of the Idaho Criminal Rules, must be submitted.

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, other than the addition of new forms in Appendix A. The lining through and underlining shall not be considered a part of the permanent Idaho Criminal Rules.

IT IS FURTHER ORDERED, that the Clerk of the Court shall cause notice of this Order to be published in one issue of *The Advocate*.

DATED this 1ST day of August, 2019.

By Order of the Supreme Court



Roger S. Burdick, Chief Justice

ATTEST:



for Clerk

I, Karel A. Lehrman, 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 8-1-19

KAREL A. LEHRMAN

Clerk

By:  Chief Deputy