



## **I.R.E. 301. Presumption in General in Civil Actions and Proceedings.**

### **Article III. Presumptions**

#### **Idaho Rules of Evidence Rule 301. Presumptions in Civil Cases Generally.**

**(a) Effect.** In a civil case, unless a statute, Idaho appellate decision, or these rules provide otherwise, the party against whom a presumption is directed has the burden of producing evidence to rebut the presumption. But this rule does not shift the burden of persuasion, which remains on the party who had it originally. The burden of producing evidence is satisfied by evidence sufficient to permit reasonable minds to conclude that the presumed fact does not exist. If the party against whom the presumption operates does not meet the burden of producing evidence, the presumed fact must be deemed proved. If that party meets the burden of producing evidence, the jury must not be instructed on the presumption and the trier of fact may determine the existence or nonexistence of the presumed fact without regard to the presumption.

**(b) Jury Instructions.** When a presumption operates in a civil case, the court must instruct the jury that the fact has been proved without using the term “presumption.”

(Adopted March 26, 2018, effective July 1, 2018.)

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