



## **I.R.E. 303. Presumptions in Criminal Cases.**

### **Idaho Rules of Evidence Rule 303. Presumptions in Criminal Cases.**

**(a) Scope.** Unless otherwise provided by statute, in criminal cases presumptions that operate against the defendant, recognized at common law or created by statute, are governed by this rule. For purposes of this rule, statutory provisions that certain facts are prima facie evidence of other facts or of guilt are treated as presumptions.

**(b) Submission to Jury.** The court may submit the question of guilt or of the existence of a presumed fact to the jury only if, on the evidence as a whole, a reasonable juror could find guilt or the presumed fact beyond a reasonable doubt.

**(c) Instructing the Jury.** When the existence of a presumed fact operates against the defendant:

(1) the court must not instruct the jury to find a presumed fact against the defendant and must not instruct the jury in terms of a presumption;

(2) the court must instruct the jurors that they may draw reasonable inferences from facts proved beyond a reasonable doubt and may convict the defendant in reliance upon an inference of fact if they find that such inference is valid and if they find that the evidence as a whole, including the inference, convinces them beyond a reasonable doubt that the defendant is guilty.

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

**Source URL:** <https://isc.idaho.gov/ire303>