



I.R.E. 615. Exclusion of Witnesses.

Idaho Rules of Evidence Rule 615. Excluding witnesses.

(a) At a party's request, the court may order witnesses excluded so that they cannot hear other witnesses' testimony. Or the court may do so on its own. But this rule does not authorize excluding:

- (1) a party who is a natural person;
- (2) an officer or employee of a party that is not a natural person, after being designated as the party's representative by its attorney;
- (3) a person whose presence a party shows to be essential to presenting the party's claim or defense;
or
- (4) a crime victim whose exclusion is prohibited under Article 1, Section 22 of the Idaho Constitution.

(b) Preliminary Hearings. Notwithstanding subsections (a)(1), (2), and (3) of this rule, in a preliminary hearing if either party requests it, the magistrate must exclude all non-party witnesses who have not been examined.

(c) Child Witnesses. Notwithstanding subsections (a) and (b) of this rule or any statutory provision, when a child is summoned as a witness in any hearing in any criminal matter, including any preliminary hearing, the court may allow parents, a counselor, friend or other person having a supportive relationship with the child to remain in the courtroom during the child's testimony.

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

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