



## **Idaho Criminal Rules (I.C.R.)**

## **Idaho Criminal Rules (I.C.R.)**

### **TITLE I - APPLICABILITY; DOCUMENTS**

Rule 1. [Scope - Courts - Exceptions](#) [1]

Rule 2. [Purpose and Construction; Title; District Court Rules](#) [2]

Rule 2.1. [Declarations](#) [3]

Rule 2.2. [Electronic Signatures](#) [4]

Rule 2.3. [Form of Pleadings and Documents; Language; Abbreviation and Numbers](#) [5]

### **TITLE II - PRELIMINARY PROCEEDINGS**

Rule 3. [Complaint; Initiation and Prosecution](#) [6]

Rule 3.1. [Idaho Uniform Citation](#) [7]

Rule 4. [Arrest Warrant; Summons; Determination of Probable Cause](#) [8]

Rule 5. [Initial Appearance Before Magistrate; Determination of Probable Cause; Advice to Defendant; Plea in Misdemeanors; Initial Appearance on Grand Jury Indictment](#) [9]

Rule 5.1. [Preliminary Hearing; Probable Cause Finding; Discharge or Commitment of Defendant; Procedure](#) [10]



Rule 5.2. [Transcript of Hearings - Copies for Parties](#) [11]

Rule 5.3. [Initial Appearance on Probation Violations](#) [12]

### **TITLE III - THE GRAND JURY, THE INDICTMENT AND THE INFORMATION**

Rule 6. [Formation of the Grand Jury](#) [13]

Rule 6.1. [Prosecuting Attorney's Role with Grand Jury](#) [14]

Rule 6.2. [Transcript of Grand Jury Proceedings](#) [15]

Rule 6.3. [Secrecy and Confidentiality of Grand Jury Proceedings](#) [16]

Rule 6.4. [Grand Jury Proceedings](#) [17]

Rule 6.5. [Indictment](#) [18]

Rule 6.6. [Grounds for Motion to Dismiss Indictment](#) [19]

Rule 6.7. [Discharge of Grand Jury](#) [20]

Rule 6.8. [Other Prosecution](#) [21]

Rule 7. [Indictment and Information](#) [22]



Rule 8. [Joinder of Offenses and of Defendants](#) [23]

Rule 9. [Warrant or Summons upon Indictment](#) [24]

#### **TITLE IV - ARRAIGNMENT AND PREPARATION FOR TRIAL**

Rule 10. [Arraignment on Indictment or Information](#) [25]

Rule 11. [Pleas](#) [26]

Rule 12. [Pleadings and Motions Before Trial; Defenses and Objections](#) [27]

Rule 12.1. [Notice of Alibi](#) [28]

Rule 12.2. [Motions Requesting Additional Defense Services](#) [29]

Rule 13. [Trial Together of Complaints, Indictments and Informations](#) [30]

Rule 14. [Relief from Prejudicial Joinder](#) [31]

Rule 15. [Depositions](#) [32]

Rule 16. [Discovery and Inspection](#) [33]

Rule 17. [Subpoena](#) [34]

Rule 18. [Felony Pretrial conference](#) [35]



Rule 18.1. [Mediation in Criminal Cases](#) [36]

## **TITLE V - VENUE**

Rule 19. [Place of Prosecution and Trial](#) [37]

Rule 20. [Transfer from the County for Plea and Sentence](#) [38]

Rule 21. [Transfer for Trial](#) [39]

Rule 22. [Reserved]

## **TITLE VI - TRIAL**

Rule 23. [Trial by Jury or by the Court; Waiver of Jury; Number of Jurors](#) [40]

Rule 23.1. [Juror Questionnaires; Confidentiality](#) [41]

Rule 24. [Trial Jurors](#) [42]

Rule 24.1. [Notes of Jurors; Juror Notebooks](#) [43]

Rule 25. [Disqualification of Judge](#) [44]

Rule 25.1. [Death or Disability of Judge](#) [45]

Rule 26. [Evidence](#) [46]



Rule 27. [Stipulations Not Binding on Court; Continuance of Trial or Hearing](#) [47]

Rule 28. [Determination of Good Cause Regarding Statutory Trial Time Requirements](#) [48]

Rule 29. [Motion for Judgment of Acquittal](#) [49]

Rule 29.1. [Motion for Mistrial](#) [50]

Rule 30. [Instructions to the Jury; Communications with Jury](#) [51]

Rule 30.1. [Jury Questioning of Witness](#) [52]

Rule 31. [Jury Verdict](#) [53]

## **TITLE VII - POST-CONVICTION PROCEDURES**

Rule 32. [Presentence Investigations and Reports](#) [54]

Rule 33. [Sentence and Judgment](#) [55]

Rule 33.1. [Sentencing Procedure When Death Penalty is Authorized and Jury is Waived](#) [56]

Rule 33.2. [Report of imposition of Death Penalty](#) [57]

Rule 33.3. [Evaluation of Persons Guilty of Domestic Assault or Domestic Battery](#) [58]



Rule 34. [New trial](#) [59]

Rule 35. [Correction or Reducing a Sentence](#) [60]

Rule 36. [Clerical Mistakes](#) [61]

Rule 37. [Reimbursement pursuant to Idaho Code Section 37-2732\(k\); prosecuting attorney fees](#) [62]

Rule 38. [Stay of Execution; Relief Pending Review](#) [63]

Rule 39. [Uniform Post-Conviction Procedure Act](#) [64]

Rule 40. [Reserved]

## **TITLE VIII - SUPPLEMENTAL AND SPECIAL PROCEEDINGS**

Rule 41. [Search and Seizure](#) [65]

Rule 41.1. [Reclaiming Exhibits, Documents or Property](#) [66]

Rule 42. [Contempt](#) [67]

## **TITLE IX - GENERAL PROVISIONS**

Rule 43. [Presence of the Defendant](#) [68]

Rule 43.1. [Proceedings by Telephone Conference or Video Conference](#) [69]



Rule 43.2. [Forensic Testimony by Video Teleconference](#) [70]

Rule 44. [Right to and Appointment of Counsel](#) [71]

Rule 44.1. [Withdrawal and Substitution of Counsel](#) [72]

Rule 44.2. [Mandatory Appointment of Counsel for Post-Conviction Review After Imposition of Death Penalty](#) [73]

Rule 44.3. [Standards for the Qualification of Appointed Counsel in Capital Cases](#) [74]

Rule 45. [Computing and Extending Time](#) [75]

Rule 46. [Bail or Release on Own Recognizance](#) [76]

Rule 46.1. [Bail for Witnesses](#) [77]

Rule 46.2. [No Contact Orders](#) [78]

Rule 47. [Motions](#) [79]

Rule 48. [Dismissal by the Court](#) [80]

Rule 49. [Service and Filing of Papers](#) [81]

Rule 50. [Calendars](#) [82]

Rule 51. [Reserved]



Rule 52. [Harmless Error](#) [83]

Rule 53. [Juvenile Charged as an Adult](#) [84]

## **TITLE X - APPEALS FROM THE MAGISTRATE DIVISION**

Rule 54. [Appeals from the Magistrate Division](#) [85]

Rule 54.1 [Appeal by Permission from Interlocutory Orders of Magistrate Judges](#) [86]

## **APPENDIX A: FORMS**

Rule 4(d)(1):

- Warrant of Arrest (Felony) Form: [PDF](#) [87]
- Warrant of Arrest (Misdemeanor) Form: [PDF](#) [88]

Rule 4(d)(3): - Summons (Felony) Form; Summons (Misdemeanor) Form: [PDF](#) [89]

- Summons (Felony) Form: [PDF](#) [89]
- Summons (Misdemeanor) Form: [PDF](#) [90]

Rule 5(e) - Notification of Rights (Felony) Form: [PDF](#) [91] / [Word](#) [92]

Rule 5.1(a) - Waiver of Preliminary Hearing Form: [PDF](#) [93] / [Word](#) [94]

Rule 5.3(c) - Notification of Rights (Probation Violation): [PDF](#) [95] / [Word](#) [96]

Rule 11(e) - Guilty Plea Advisory Form: [PDF](#) [97] / [Word](#) [98]

Rule 16(e)(2) - Request for Discovery: [PDF](#) [99]

Rule 16(f)(3) - Response to Request for Discovery: [PDF](#) [100]

Rule 33.1(b) - Findings of the Court in Considering Death Penalty: [PDF](#) [101]

Rule 33.2(b) - Report on Imposition of Death Penalty: [PDF](#) [102]





Rule 39(a) - Petition for Post-Conviction Relief: [PDF](#) [103]

Rule 46.2:

- No Contact Order (for use when there is one or more protected person(s) with the same exceptions): [PDF](#) [104]
- No Contact Order (for use when there are multiple protected persons with different exceptions): [PDF](#) [105]

Rule 54(g)(3) - Certificate of Transcription: [PDF](#) [106]

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

### Links

- [1] <https://isc.idaho.gov/icr1>
- [2] <https://isc.idaho.gov/icr2>
- [3] <https://isc.idaho.gov/icr2-1>
- [4] <https://isc.idaho.gov/icr2-2>
- [5] <https://isc.idaho.gov/icr2-3>
- [6] <https://isc.idaho.gov/icr3>
- [7] <https://isc.idaho.gov/icr3-1>
- [8] <https://isc.idaho.gov/icr4>
- [9] <https://isc.idaho.gov/icr5>
- [10] <https://isc.idaho.gov/icr5-1>
- [11] <https://isc.idaho.gov/icr5-2>
- [12] <https://isc.idaho.gov/icr5-3>
- [13] <https://isc.idaho.gov/icr6>
- [14] <https://isc.idaho.gov/icr6-1>
- [15] <https://isc.idaho.gov/icr6-2>
- [16] <https://isc.idaho.gov/icr6-3>
- [17] <https://isc.idaho.gov/icr6-4>
- [18] <https://isc.idaho.gov/icr6-5>
- [19] <https://isc.idaho.gov/icr6-6>
- [20] <https://isc.idaho.gov/icr6-7>
- [21] <https://isc.idaho.gov/icr6-8>
- [22] <https://isc.idaho.gov/icr7>
- [23] <https://isc.idaho.gov/icr8>
- [24] <https://isc.idaho.gov/icr9>
- [25] <https://isc.idaho.gov/icr10>
- [26] <https://isc.idaho.gov/icr11>
- [27] <https://isc.idaho.gov/icr12>
- [28] <https://isc.idaho.gov/icr12-1>
- [29] <https://isc.idaho.gov/icr12-2>
- [30] <https://isc.idaho.gov/icr13>
- [31] <https://isc.idaho.gov/icr14>
- [32] <https://isc.idaho.gov/icr15>
- [33] <https://isc.idaho.gov/icr16>
- [34] <https://isc.idaho.gov/icr17>
- [35] <https://isc.idaho.gov/icr18>
- [36] <https://isc.idaho.gov/icr18-1>



- [37] <https://isc.idaho.gov/icr19>
- [38] <https://isc.idaho.gov/icr20>
- [39] <https://isc.idaho.gov/icr21>
- [40] <https://isc.idaho.gov/icr23>
- [41] <https://isc.idaho.gov/icr23-1>
- [42] <https://isc.idaho.gov/icr24>
- [43] <https://isc.idaho.gov/icr24-1>
- [44] <https://isc.idaho.gov/icr25>
- [45] <https://isc.idaho.gov/icr25-1>
- [46] <https://isc.idaho.gov/icr26>
- [47] <https://isc.idaho.gov/icr27>
- [48] <https://isc.idaho.gov/icr28>
- [49] <https://isc.idaho.gov/icr29>
- [50] <https://isc.idaho.gov/icr29-1>
- [51] <https://isc.idaho.gov/icr30>
- [52] <https://isc.idaho.gov/icr30-1>
- [53] <https://isc.idaho.gov/icr31>
- [54] <https://isc.idaho.gov/icr32>
- [55] <https://isc.idaho.gov/icr33>
- [56] <https://isc.idaho.gov/icr33-1>
- [57] <https://isc.idaho.gov/icr33-2>
- [58] <https://isc.idaho.gov/icr33-3>
- [59] <https://isc.idaho.gov/icr34>
- [60] <https://isc.idaho.gov/icr35>
- [61] <https://isc.idaho.gov/icr36>
- [62] <https://isc.idaho.gov/icr37>
- [63] <https://isc.idaho.gov/icr38>
- [64] <https://isc.idaho.gov/icr39>
- [65] <https://isc.idaho.gov/icr41>
- [66] <https://isc.idaho.gov/icr41-1>
- [67] <https://isc.idaho.gov/icr42>
- [68] <https://isc.idaho.gov/icr43>
- [69] <https://isc.idaho.gov/icr43-1>
- [70] <https://isc.idaho.gov/icr43-2>
- [71] <https://isc.idaho.gov/icr44>
- [72] <https://isc.idaho.gov/icr44-1>
- [73] <https://isc.idaho.gov/icr44-2>
- [74] <https://isc.idaho.gov/icr44-3>
- [75] <https://isc.idaho.gov/icr45>
- [76] <https://isc.idaho.gov/icr46>
- [77] <https://isc.idaho.gov/icr46-1>
- [78] <https://isc.idaho.gov/icr46-2>
- [79] <https://isc.idaho.gov/icr47>
- [80] <https://isc.idaho.gov/icr48>
- [81] <https://isc.idaho.gov/icr49>
- [82] <https://isc.idaho.gov/icr50>
- [83] <https://isc.idaho.gov/icr52>
- [84] <https://isc.idaho.gov/icr53>
- [85] <https://isc.idaho.gov/icr54>
- [86] <https://isc.idaho.gov/icr54-1>
- [87] <https://isc.idaho.gov/rules/ICR-Appendix-A-Felony-Arrest-Warrant-July-1-2021.pdf>
- [88] <https://isc.idaho.gov/rules/August-2019-Warrant-of-Arrest-Misdemeanor.pdf>
- [89] <https://isc.idaho.gov/rules/forms/Form-Summons-Felony.pdf>
- [90] <https://isc.idaho.gov/rules/forms/Form-Summons-Misdemeanor.pdf>
- [91] [https://isc.idaho.gov/rules/forms/ICR-Appendix-A-5\(e\)-Notification-of-Rights\(Felony\)\\_091124.pdf](https://isc.idaho.gov/rules/forms/ICR-Appendix-A-5(e)-Notification-of-Rights(Felony)_091124.pdf)



- [92] [https://isc.idaho.gov/rules/forms/ICR-Appendix-A-5\(e\)-Notification-of-Rights\(Felony\)\\_091124.doc](https://isc.idaho.gov/rules/forms/ICR-Appendix-A-5(e)-Notification-of-Rights(Felony)_091124.doc)
- [93] <https://isc.idaho.gov/orders/ICR-Appendix-A-Amended-Waiver-of-Prelim-Form.pdf>
- [94] <https://isc.idaho.gov/orders/ICR-Appendix-A-Amended-Waiver-of-Prelim-Form.docx>
- [95] [https://isc.idaho.gov/rules/forms/ICR-5\\_3\(c\)-Notification-of-Rights\(Probation-Violation\)\\_091124.pdf](https://isc.idaho.gov/rules/forms/ICR-5_3(c)-Notification-of-Rights(Probation-Violation)_091124.pdf)
- [96] [https://isc.idaho.gov/rules/forms/ICR-5\\_3\(c\)-Notification-of-Rights\(Probation-Violation\)\\_091124.doc](https://isc.idaho.gov/rules/forms/ICR-5_3(c)-Notification-of-Rights(Probation-Violation)_091124.doc)
- [97] [https://isc.idaho.gov/rules/forms/ICR-11\\_e-Amended-Guilty-Plea-Advisory-092024.pdf](https://isc.idaho.gov/rules/forms/ICR-11_e-Amended-Guilty-Plea-Advisory-092024.pdf)
- [98] [https://isc.idaho.gov/rules/forms/ICR-11\\_e-Amended-Guilty-Plea-Advisory-092024.doc](https://isc.idaho.gov/rules/forms/ICR-11_e-Amended-Guilty-Plea-Advisory-092024.doc)
- [99] [https://isc.idaho.gov/rules/forms/request\\_for\\_discovery\\_form\\_0717.pdf](https://isc.idaho.gov/rules/forms/request_for_discovery_form_0717.pdf)
- [100] [https://isc.idaho.gov/rules/forms/response\\_to\\_request\\_for\\_discovery\\_form\\_0717.pdf](https://isc.idaho.gov/rules/forms/response_to_request_for_discovery_form_0717.pdf)
- [101] [https://isc.idaho.gov/rules/forms/findings-of-the-court-in-considering-death-penalty\\_form\\_0717.pdf](https://isc.idaho.gov/rules/forms/findings-of-the-court-in-considering-death-penalty_form_0717.pdf)
- [102] [https://isc.idaho.gov/rules/forms/report\\_on\\_imposition\\_of\\_death\\_penalty\\_form\\_0717.pdf](https://isc.idaho.gov/rules/forms/report_on_imposition_of_death_penalty_form_0717.pdf)
- [103] [https://isc.idaho.gov/rules/forms/petition-for-post-conviction-relief\\_form\\_0717.pdf](https://isc.idaho.gov/rules/forms/petition-for-post-conviction-relief_form_0717.pdf)
- [104] [https://isc.idaho.gov/rules/forms/Amended-NCO-one\\_or\\_more\\_protected\\_persons\\_and\\_same\\_exceptions.pdf](https://isc.idaho.gov/rules/forms/Amended-NCO-one_or_more_protected_persons_and_same_exceptions.pdf)
- [105] [https://isc.idaho.gov/rules/forms/Amended-NCO\\_multiple-protected-persons-with-different-exceptions.pdf](https://isc.idaho.gov/rules/forms/Amended-NCO_multiple-protected-persons-with-different-exceptions.pdf)
- [106] [https://isc.idaho.gov/rules/forms/certificate-of-transcription\\_form\\_0717.pdf](https://isc.idaho.gov/rules/forms/certificate-of-transcription_form_0717.pdf)