Idaho Treatment Court Rule 18

Idaho Treatment Court Rule 18. Sentencing or Disposition upon Termination from Treatment Court

(a) Except for the provisions found in this rule applicable only to a participant's termination from a Treatment Court, sentencing and disposition proceedings will be conducted as set forth in applicable statute and rule.

(b) A motion for a probation violation or a violation of any condition of a presentence agreement of participation in Treatment Court is not required to be filed if an order of termination has already been entered in the record and the court may proceed directly to sentencing or disposition.

(c) The judge presiding over a participant's termination proceedings may preside over the sentencing or disposition proceedings, so long as that judge has authority to do so.

(d) If the judge that presided over a participant's termination proceedings elects not to preside over a participant's sentencing or disposition proceedings or the judge does not have the authority to preside over a felony sentencing or disposition proceedings, the judge shall recuse and refer the matter for reassignment within the same judicial district as the Treatment Court.

(e) If the participant was admitted into a Treatment Court by means of a transfer of supervision from outside the district as set forth in I.R.T.C. 11(a)(2), the case shall be set before the original sentencing judge or referred for reassignment within the original judicial district.

(f) A judge presiding over a sentencing or disposition may not re-admit, admit, or order the participant back into a Treatment Court unless the participant has applied for participation in a Treatment Court and the sentencing court has been provided the Notice of Eligibility for Treatment Court form accepting the participant into a Treatment Court (see I.R.T.C. 18(c)).

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