# I.C.R. 10. Arraignment on Indictment or Information

**Idaho Criminal Rule 10. Arraignment on Indictment or Information**

**(a)  In General.** After an indictment or an information has been filed with the district court, the defendant must be arraigned on it by the court. The defendant must appear in person at the arraignment. The arraignment must be within 30 days after the filing of an information. If an indictment has been filed, the arraignment must take place:

(1)  within 30 days of service of the summons if a summons has been issued;

(2)  within 30 days of the defendant's initial appearance in the county issuing the indictment if a warrant has been issued following the indictment, and if the defendant is not in custody in the county in which the indictment is filed; or

(3)  within 30 days of the filing of the indictment in all other cases.

**(b)  Right to Counsel.** If the defendant appears for arraignment without counsel, before being arraigned, the defendant must be informed by the court that defendant has the right to have counsel either of defendant's own selection, or if indigent, by court appointment. The defendant must be asked if defendant desires counsel and if defendant is able to provide his own counsel. If the defendant desires counsel and is found to be indigent as defined by Idaho Code § 19-6011, the court must appoint counsel to represent the defendant. No proceedings may take place before the appointment of counsel or until the defendant has had a reasonable period of time to obtain counsel unless the defendant waives the right to counsel.

**(c)  Arraignment.** Arraignment must be conducted in open court and consist of reading the indictment or information to the defendant or stating to the defendant the substance of the charge and requiring the defendant to plead to it. The defendant may waive the reading of the indictment or information. The defendant must be given a copy of the indictment or information before the defendant is required to plead. The defendant must be informed that if the name that appears on the indictment or information is not defendant's true name, the defendant must then state defendant's true name or be proceeded against by the name in the indictment or information. If, on the arraignment, the defendant requires time to enter a plea, the defendant must be allowed a reasonable time, not less than one day, in which to answer the indictment or information.

**(d) Method of Securing Defendant's Appearance.**

(1) When the defendant's appearance is necessary and the defendant is in custody, the court may direct the officer who has custody of the defendant to bring the defendant to court.

(2) If the defendant is at liberty on defendant's own recognizance or on bail pursuant to a court order issued in the same criminal action, the prosecuting attorney must, on at least three days' notice to the defendant and to defendant's attorney, notify the defendant and defendant's attorney that an information or indictment has been filed against the defendant and the time and place set for arraignment. Notice must be given to the defendant either in person or by mail at the defendant's last known address.

(3) If the defendant, who is at liberty on defendant's own recognizance or on bail pursuant to a previous court order issued in that same criminal action, does not appear to be arraigned, the court, in addition to the forfeiture of the undertaking or bail, may issue a bench warrant for defendant's arrest. On taking the defendant into custody pursuant to a bench warrant, the executing peace officer must, without unnecessary delay, bring the defendant for arraignment before the district court that issued the bench warrant.

(Adopted February 22, 2017, effective July 1, 2017 [1]; amended November 1, 2024, effective November 1, 2024 [2].)

**Source URL:** https://isc.idaho.gov/icr10

**Links**
[1] https://isc.idaho.gov/../rules/ICR/ICR-10a-Adoption-of-Newly-Formatted-ICR-Feb-22-2017.pdf
[2] https://isc.idaho.gov/../rules/ICR/ICR-10b-Amendments-to-ICR-10-12.2-44.2-44.3-eff-Nov-1-2024.pdf