

I.C.R.17. Subpoena

Idaho Criminal Rule 17. Subpoena.

(a) For attendance of witnesses, form, issuance. A subpoena shall be issued by the clerk of the court or the judge thereof, and shall command each person to whom it is directed to attend and give testimony at the time and place specified therein. The clerk may issue a subpoena, signed and sealed, but otherwise in blank to a party requesting it who shall fill in the blanks before it is served.

(b) For production of documentary evidence and of objects. A subpoena may also command the person to whom it is directed to produce the books, papers, documents or other objects designated therein. The court on motion may quash or modify the subpoena if compliance would be unreasonable or oppressive. The court may direct that books, papers, documents or objects designated in the subpoena be produced before the court at a time prior to the trial or prior to the time when they are to be offered in evidence and may upon their production permit the books, papers, documents or objects or portions thereof to be inspected by the parties and their attorneys.

(c) Service. A subpoena may be served by a peace officer, by the officer's deputy, or by any other person who is not a party and who is not less than eighteen (18) years of age. Service of a subpoena shall be made by delivering a copy thereof to the person named.

(d) Place of service.

(1) In the State of Idaho. A subpoena requiring the attendance of a witness at a hearing or trial may be served at any place in the state of Idaho.

(2) Outside the state of Idaho. A subpoena directed to a witness outside the state of Idaho shall be issued under the circumstances and in the manner and be served as provided by law.

(3) Prisoners or persons in confinement. A subpoena directed to a witness who is a prisoner or a person held in confinement shall be issued and served as provided by law.

(e) For taking deposition, place of examination. When an order has been entered by the district court authorizing the taking of a deposition the clerk of said court shall issue a subpoena requiring the attendance of the deponent witness; provided that such deposition shall be taken only in the county within which the deponent resides, is employed or conducts business in person, or at such other place as fixed by the district court in such order.

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(f) Contempt. Failure by any person to obey a subpoena served upon the person may be deemed in contempt of the court from which the subpoena issued.

(Adopted December 27, 1979, effective July 1, 1980.)

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