



## **I.C.R. 30. Instructions and Communications With Jury.**

### **Idaho Criminal Rule 30. Instructions to the Jury; Communications with Jury**

**(a) Jury Instructions Conference.** Before the presentation of evidence, the court may instruct the jury on:

- (1) the role of the court, counsel and jury,
- (2) the elements of all claims in dispute,
- (3) any known defenses, and
- (4) any other matter it believes necessary and appropriate to aid in resolution of the issues at hand.

The Court must hold an instruction conference prior to trial to consider these initial instructions to the jury.

### **(b) Final Instructions.**

(1) *Time for Request for Instructions, Exceptions.* No later than five days before the commencement of any jury trial, any party may file written requests that the court instruct the jury on the law as set forth in the request. The Court may grant an exception for unanticipated issues or matters constituting fundamental errors.

(2) *Copies to all Parties.* Copies of requested instructions must be furnished to all parties at the same time they are filed with the court.

(3) *Decision by the Court; Time to Object.* The court must inform counsel of its proposed actions on the requested instructions and allow a reasonable time within which to examine and make objections outside the presence of the jury to the instructions or the failure to give requested instructions.



(4) *No Error Without Objection.* No party may assign as error the giving of or failure to give an instruction unless the party objects to the action before the jury retires to consider its verdict. The objection must distinctly state the instruction to which the party objects and the grounds of the objection.

(5) *Reading to the Jury.* The court must read the instructions to the jury prior to final argument; but if all parties agree, it may read part or all of the instructions after final argument.

(6) *Written Instruction Given to Jurors.* The written instructions must be given to each juror to take when the jury retires for deliberation.

**(c) Communications with the Jury.** Any request by the jury to be further informed of any point concerning the action must be communicated to the court in writing. The attorneys for the parties must be given the opportunity to be present, if they are available and can be present within a reasonable period of time. The court may further instruct the jury in writing or explain the instructions in open court and the further instruction or explanation must be made part of the record.

(Adopted February 22, 2017, effective July 1, 2017.)

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