



## **I.C.R. 32. Presentence Investigations and Reports**

### **Idaho Criminal Rule 32. Presentence Investigations and Reports**

The following standards and procedures govern presentence investigations and reports in the Idaho courts:

**(a) When a Presentence Investigation is to be Ordered.** The court may order a presentence investigation. With respect to felony convictions, if the court does not require a presentence investigation the record must show why an investigation was not ordered.

**(b) Contents of Presentence Investigation Report.** The court may request a record check and other background information concerning the defendant before sentencing without ordering a presentence investigation. When a full presentence investigation is ordered, the report of the investigation must contain the following:

(1) a description of the situation surrounding the criminal activity with which the defendant has been charged, including

(A) the defendant's version of the criminal act;

(B) and the defendant's explanation for the act;

(C) the arresting officer's version or report of the offense, where available; and

(D) the victim's version, where relevant to sentencing;

(2) the defendant's criminal record;

(3) the defendant's social history, including family relationships, marital status, age, interests and



activities;

(4) the defendant's educational background;

(5) the defendant's employment background, including military record, employment status and capabilities;

(6) the defendant's residence history;

(7) the defendant's financial status;

(8) the defendant's health;

(9) the defendant's sense of values and general outlook on life;

(10) the results of any substance abuse, mental health, domestic assault and battery, or psychosexual evaluation. This includes a report prepared under Idaho Code § 19-2522 or § 19-2524, but excludes content of an evaluation or report prepared under Idaho Code § 18-211 or §18-212; and

(11) the presentence investigator's analysis of the defendant's condition. This should include a summary of the investigator's view of the psychological factors surrounding the commission of the crime or the defendant individually. Where appropriate, the analysis should include a specific recommendation regarding a psychological examination and rehabilitation plan.

### **(c) Sentencing Recommendations.**

(1) ***Specific Recommendations Not Included***. The presentence investigation report (PSI report) may recommend incarceration but should not contain specific recommendations concerning:

(A) the length of incarceration;



(B) the imposition of a fine;

(C) the amount of a fine;

(D) the length of probation; or

(E) other matters within the province of the court.

(2) **Treatment Recommendations.** The PSI report may recommend programs or treatment for the defendant and suggest the length of time that may be required for completion. The PSI report may include an estimate of the probability of the defendant's successfully completing probation or the defendant's financial ability to pay a fine.

**(d) Psychological Evaluation.** The presentence investigator may recommend a psychological evaluation. But the decision to order a psychological evaluation is at the court's discretion.

**(e) Information that may be Included in a PSI Report.**

(1) **Content.** A PSI report may include hearsay information if the presentence investigator believes that the information is reliable. The court may consider material in the PSI report that is inadmissible under the rules of evidence. Conjecture and speculation must not be included in the PSI report. Pictures or depictions of child pornography included as report attachments must be placed in a separate envelope and marked. Access is restricted to those permitted by the court.

(2) **Previous Charges.** The court may consider information in a PSI report regarding a previous charge against the defendant that was dismissed after a successful probation.

(3) **Idaho Sentencing Information.** The PSI report may include a report found at <https://courtdata.idaho.gov/Reporting> [1] and may contain a description of the report findings.

**(f) Additional Report.** The court may order an additional investigation, if necessary, and use the results in considering the disposition.



**(g) Access to PSI Report.**

(1) **Disclosure of the PSI Report.** Full disclosure of the contents of a PSI report considered by the court must be made to the defendant, defendant's counsel, and the prosecuting attorney before a hearing on the sentence, except as provided in this rule.

(A) The defendant and their attorney must be given a full opportunity to examine the PSI report so they may explain and defend adverse matters in it.

(B) The defendant must be afforded a full opportunity to present favorable evidence on their behalf during the proceeding to determine the sentence.

(2) **Exceptions to Disclosure.** The court may withhold from disclosure:

(A) parts of the PSI report that contain a diagnostic opinion that may seriously disrupt a program of rehabilitation;

(B) information that may be harmful to a non-party; or

(C) pictures or depictions of child pornography that are identified under subsection (e)(1).

(3) **Explanation of Non-Disclosure.**

(A) Where the court chooses to withhold information in the PSI report from the defendant, the court must:

(i) state for the record the reasons for its action;

(ii) inform the defendant and defendant's attorney that information has not been disclosed; and

(iii) explain the general nature of the information being withheld.



(B) The defendant's attorney must be allowed to review any information in the PSI report that is withheld from disclosure to allow the attorney an opportunity to explain and rebut the information.

**(4) Time of Disclosure.**

(A) Disclosure of the information in the PSI report must be made at a sufficient time before sentencing to provide the defendant or their attorney a reasonable opportunity to verify or rebut information in the PSI report.

(B) A reasonable request for a continuance of sentencing, when based on lack of sufficient time to examine or offer rebuttal to information contained in the PSI report, may be granted by the court.

**(h) Disclosure of PSI Reports.**

(1) **Custody of PSI Report.** A PSI report must be available to assist the court and may be released to any district judge for that purpose. A PSI report must be filed and kept as a sealed court record and, except as otherwise allowed by this rule, may only be disclosed on court order entered under Idaho Court Administrative Rule 32.

(2) **Idaho Department of Correction and Idaho Commission of Pardons and Parole.** The PSI report must be available to the Idaho Department of Correction (I.D.O.C.) and the Idaho Commission of Pardons and Parole while the defendant is committed to or supervised by the I.D.O.C. It may be retained by the I.D.O.C. for three years after the defendant is discharged. If probation or parole supervision is transferred to another state, the I.D.O.C. may provide a copy of the PSI report to the supervising entity in that state.

(3) **Idaho Department of Juvenile Corrections.** If the defendant is committed to the Idaho Department of Juvenile Corrections (I.D.J.C.) under a blended sentence as provided at Idaho Code § 19-2601A, the PSI report must be available to the I.D.J.C. while the defendant is committed to or supervised by the I.D.J.C. The PSI report may be retained by the I.D.J.C. until the defendant is discharged from its commitment or supervision.

(4) **Presentence Investigator.** When preparing a report, a presentence investigator must have access to other PSI reports, including all attachments and addendums, prepared on that defendant, whether in the same case or previous cases. The presentence investigator's own copy of the PSI report may only be used by authorized court personnel. Neither the defendant, defendant's counsel, the prosecuting



attorney or other person authorized by the court to receive a copy of the PSI report may release any information contained in it to another person or agency. The victim has a right to read, but not have a copy of the PSI report, as provided in Article 1, Section 22(9) of the Idaho Constitution. Violation of this rule is a contempt of court and subject to sanctions.

(5) **Presentence Information to Evaluators.** The presentence investigator may release information relating to the defendant's criminal history and law enforcement reports related to the offense for which the defendant is to be sentenced to a person preparing a report to assist the court in sentencing under a court-ordered evaluation. A person receiving this information must not release it to anyone. A violation is a contempt of court and subject to sanctions.

(6) **PSI Report to a Third Party.**

(A) With the court's permission, the PSI report may be available to a person or agency having a legitimate professional interest if it appears that making the PSI report available will further the:

(i) plan;

(ii) rehabilitation of the defendant; or

(iii) the interests of public protection.

(B) A person or agency receiving the presentence report must provide appropriate safeguards for the confidentiality of information contained in the PSI report.

(C) Persons or agencies who may receive a presentence report:

(i) a physician or psychiatrist appointed to assist the court in sentencing;

(ii) an examining facility;

(iii) a correctional institution;



(iv) a probation or parole department; or

(v) the supervisors of a public or private rehabilitation program.

(7) **PSI Report to Treatment Court Personnel.** With the court's permission, the PSI report may be provided to treatment court personnel to screen the defendant for admission into a treatment court program.

(8) **PSI Report on Appeal.** When relevant to an issue on an appeal, the PSI report must be available for an appellate court when requested by a party or ordered by the court under Idaho Appellate Rule 31(b). Pictures and depictions of child pornography contained in the PSI report that are placed in a separate envelope under subsection (e)(1) of this rule must not be provided to the parties or the appellate court unless requested by the court.

**(i) Corrections to PSI Report.**

(1) **Time to Request Corrections to Presentence Investigation Report.** A request to correct a PSI report must be made by the sentencing hearing.

(2) **Order Correcting PSI Report.** A change to the PSI report by the court must be included in an Order Correcting Presentence Report. The Order must be attached to the front of the sealed PSI.

(3) **Service of the Order Correcting PSI Report.** Only the Order and PSI must be served on the I.D.O.C. The Order and PSI must be stamped by the clerk showing that both were served on the I.D.O.C.

(4) **Challenges to Corrections or Service of the PSI Report.** A party may challenge whether the court erred in correcting the report or whether the corrected report was provided to the I.D.O.C. The challenging party must seek relief in the district court to preserve the issue for appeal by filing a motion no later than 14 days after the entry of judgment.

[\(Adopted February 22, 2017, effective July 1, 2017 \[2\]; Amended May 14, 2019, effective July 1, 2019 \[3\]; amended May 4, 2020, effective July 1, 2020 \[4\]; amended March 28, 2025, effective March 28,](#)



[2025](#) [5]; amended January 15, 2026, effective January 15, 2026.)

**Source URL:** <https://isc.idaho.gov/icr32>

**Links**

[1] <https://courtdata.idaho.gov/Reporting>

[2] <https://isc.idaho.gov/./rules/ICR/ICR-32a-Adoption-of-Newly-Formatted-ICR-022217.pdf>

[3] <https://isc.idaho.gov/./rules/ICR/ICR-32b-Order-Amending-ICR-Adoption-Rule-37-051419.pdf>

[4] <https://isc.idaho.gov/./rules/ICR/ICR-32c-Order-Amending-ICR32-May-2020.pdf>

[5] <https://isc.idaho.gov/./rules/ICR/ICR-32d-Amendment-ICRule-32-e-March-28-2025.pdf>