

I.C.R. 42j. Nonsummary Proceedings - Burden of Proof.

Idaho Criminal Rule 42(j). Nonsummary Proceedings - Burden of Proof.

(1) Civil sanction. In order to impose a civil sanction, the court must find, by a preponderance of the evidence, that all of the elements of contempt have been proven and that the contemnor has the present ability to comply with the order violated, or with that portion of it required by the sanction.

(2) Criminal sanction. In order to impose a criminal sanction, the trier of fact must find that all of the elements of contempt were proven beyond a reasonable doubt.

(Prior Rule 42 RESCINDED; New Rule 42 Adopted March 24, 2005, effective July, 2005.)

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