

## **I.M.C.R. 5. Uniform citation - Issuance - Service - Form - Number - Distribution.**

Idaho Misdemeanor Criminal Rule 5. Uniform citation - Issuance - Service - Form - Number - Distribution.

(a) Peace Officer Citation. A peace officer may issue a uniform citation for a citable offense in which the officer shall certify that the officer has reasonable grounds to believe, and does believe, that the person cited committed the offense contrary to law. The citation shall require the defendant to appear in court on the citation at the time certain which shall not be less than five (5) nor more than twenty-one (21) days after the date of the citation; provided, the administrative district judge may order that in specific counties that the appearance date shall be on or after one day and on or before a second date, and the Idaho Uniform Citation form may be amended accordingly. If a defendant appears on a citation within the time stated in the citation and the citation has not been delivered to the court, the court may dismiss the citation.

(b) Exception - Second Offense or Enhanced DUI. Notwithstanding subsection (a), a defendant arrested or cited and subsequently released for Driving Under the Influence (Second Offense), Idaho Code § 18-8005(4), or Driving Under the Influence (Enhanced Penalty), Idaho Code § 18-8004C, shall personally appear before a magistrate, for arraignment, within forty-eight (48) hours following the arrest or citation excluding Saturdays, Sundays, and holidays. Provided, the court may postpone the arraignment if the defendant is hospitalized or otherwise in a condition which prevents the defendant being taken before the magistrate. At the arraignment, the court may order any appropriate conditions of release, pursuant to Idaho Criminal Rule 46. Failure to conduct the arraignment within forty-eight (48) hours shall not constitute grounds for dismissal. A person arrested or cited who remains in custody shall make an initial appearance before a magistrate as provided in Idaho Criminal Rule 5.

(c) Citizen Citation. The uniform citation may be signed by any person in whose presence an alleged offense occurred and be witnessed by a peace officer whose name shall be endorsed on the citation.

(d) Service of Citation. Service of a citation may be made by the defendant signing a written promise to appear on the citation at the time indicated, but if the defendant fails or refuses to sign the written promise to appear, or an electronic citation is issued, a peace officer may serve the citation on the defendant by personal delivery to the defendant and indicate such service on the face of the citation.

(e) Citation After Arrest. The peace officer may arrest a defendant when permitted by law and thereafter sign the complaint in a uniform citation which shall constitute the complaint for prosecution of the criminal action.

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(f) Warrant of Arrest. The peace officer may sign the complaint in a uniform citation and present it to a magistrate for the issuance of a warrant of arrest upon the showing of probable cause as provided in Rules 4 and 5 of the Idaho Criminal Rules. In determining probable cause for the issuance of a warrant, the magistrate shall give preference to the issuance of a summons, which can be the summons in the citation.

(g) Form. With the exception of electronically issued citations, all citations in the courts of Idaho shall be processed on the Idaho Uniform Citation which shall be of the size of 5 1/2 inches wide by 8 1/2 inches long which shall be printed in black, and shall have black NCR copies, with at least four copies which shall be in the following form:

[Click here](#) [1] for form.

(h) Color and Distribution. With the exception of electronically issued citations, the first copy of the citation shall be white and deposited with and retained by the court; the second copy shall have pink borders at the top and bottom and be delivered to the defendant; the third copy shall have yellow borders at the top and bottom and be delivered by the police officer initially to the court and thereafter forwarded by the court to the appropriate department upon disposition of the citation. Additional copies of the citation may be prepared with additional information required by the issuing governmental department, agency or unit for its internal use.

(i) Electronic Citations. Citations may be electronically issued. Electronic citations do not need to meet the formatting requirements set out in subsections (g) and (h) of this rule, but must otherwise provide the same information that is required by subsections (g) and (j) of this rule.

(j) Failure to Appear. The citation shall state and notify the defendant that in the event he fails to appear on the citation at the time indicated, a warrant may be issued for his arrest. In the event the defendant does not appear as required by the citation, action may be taken against him as provided in Rule 11.

(Adopted April 18, 1983, effective July 1, 1983; amended March 20, 1991, effective July 1, 1991; amended March 26, 1992, effective July 1, 1992; amended March 9, 1999, effective July 1, 1999; amended March 21, 2007, effective July 1, 2007, amended April 2, 2010, effective April 15, 2010 amended March 18, 2011, effective July 1, 2011; amended April 27, 2012, effective July 1, 2012.)

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### **Links:**

[1] [https://isc.idaho.gov/./rules/forms/IMCR\\_5\\_Form.doc](https://isc.idaho.gov/./rules/forms/IMCR_5_Form.doc)