

# In the Supreme Court of the State of Idaho

IN RE: AMENDMENTS TO IDAHO )  
CRIMINAL RULES 5.2, 15, and 54 )  
\_\_\_\_\_ )

ORDER

The Court, having reviewed a recommendation to amend the Idaho Criminal Rules, and being fully informed:

IT IS ORDERED that the Idaho Criminal Rules are amended as follows:

## Rule 5.2. Transcript of Hearings - Copies for Parties

(a) **Transcript of Proceedings.** On timely motion to the district court by either the prosecuting attorney or the defendant or defendant's attorney the court must order a printed transcript and copies of exhibits or affidavits to be made for the party. The cost for the preparation of a transcript on motion of the defendant must be paid by the defendant, unless the court finds the defendant to be indigent and orders the preparation of the transcript at ~~county~~ public expense in the same manner as a transcript on appeal. Transcripts may be requested of any hearing or proceeding before the court including the following:

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## Rule 15. Depositions

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(d) **Payment of Expenses.** When a deposition is taken, the court may direct ~~that the county pay~~ the expense of travel and subsistence of the defendant and defendant's attorney for attendance at the examination and the cost of the transcript of the deposition to be at public expense.

## Rule 54. Appeals from the Magistrate Division

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### (g) Transcripts.

#### (1) *Transcript Fee.*

(A) Payment of Fee. The Appellant must:

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(iii) pay the amount to the clerk of the court, who will deposit it in the ~~district court fund, or any other~~ fund that incurred the expense of the person who prepared the transcript; and

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(B) Exemption from Payment. The district judge may order a transcript prepared at county public expense if the appellant is exempt from paying the fee as provided by statute or law.

(2) Preparation of Transcript. After the estimated fee for the transcript is paid, the transcriber must give a receipt to the party paying the fee and file a Notice of Transcript Deposit on a form provided by the Supreme Court. The transcriber must prepare the transcript and lodge it with the clerk of the trial court within 35 days from the date the estimated fee was paid. The district court may grant an extension of time to prepare the transcript if the transcriber applies for an extension and the district court finds there is good cause to grant an extension.

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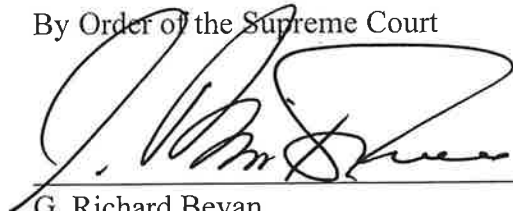
IT IS FURTHER ORDERED that this order and these amendments shall be effective immediately.

IT IS FURTHER ORDERED that the above designation of the striking of words from the Rules by lining through them, and the designation of the addition of new portions of the Rules by underlining such new portion is for the purposes of information only as amended, and NO OTHER AMENDMENTS ARE INTENDED. The lining through and underlining shall not be considered a part of the permanent Idaho Criminal Rules.

IT IS FURTHER ORDERED, that notice of this Order shall be published for three consecutive weeks on the Idaho State Bar's website and in its weekly E-Bulletin, and that as soon as practicable, a summary of the amendment(s) effected by this Order shall be published in one issue of *The Advocate*.

DATED this 11<sup>th</sup> day of September, 2024.

By Order of the Supreme Court

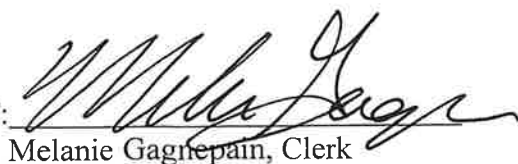


G. Richard Bevan

Chief Justice, Idaho Supreme Court

I, Melanie Gagnepain, Clerk of the Supreme Court/  
Court of Appeals of the State of Idaho, do hereby  
Certify that the above is a true and correct copy of the  
Order entered in the above entitled  
cause and now on record in my office. WITNESS my  
hand and the Seal of this Court 9-12-24  
Melanie Gagnepain, Clerk

ATTEST:

  
Melanie Gagnepain, Clerk

By



Deputy