

In the Supreme Court of the State of Idaho

IN RE: AMENDMENTS TO IDAHO)
RULES OF EVIDENCE 101 AND 805)

ORDER

The Court, having received a recommendation to amend the Idaho Rules of Evidence and being fully informed as to the recommendation:

NOW, THEREFORE, IT IS ORDERED that Idaho Rules of Evidence 101 and 805 be amended as follows:

1. That Rule 101(e)(3) be amended as follows:

Rule 101. Title and Scope.

(e) Rules Inapplicable. These rules, except for those on privilege, do not apply to the following:

- (1) the court's determination, under Rule 104(a), on a preliminary question of fact governing admissibility;
- (2) Special Inquiry Judge proceedings;
- (3) the following miscellaneous criminal proceedings: extradition or rendition; sentencing; granting or revoking probation; issuing an arrest warrant, criminal summons, or search warrant; considering whether to release on bail or otherwise;

2. That Rule 805 be amended as follows:

Rule 805. Hearsay within Hearsay.

Hearsay included within hearsay is not excluded under the hearsay rule if each part of the combined statements conforms with an exception to the hearsay rule provided in these rules.

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 Rules of Evidence.

IT IS FURTHER ORDERED, that the Clerk of the Court shall cause notice of this Order to be published in one issue of *The Advocate*.

DATED this 28th day of May, 2019.

By Order of the Supreme Court

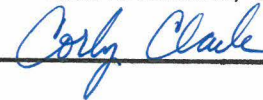


Roger S. Burdick, Chief Justice

ATTEST:


Clerk

I, Karel A. Lehrman, 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 May 29, 2019
Karel A. Lehrman, Clerk

By  Deputy