



I.R.E. 101. Title and Scope.

Idaho Rules of Evidence Rule 101. Title and Scope.

(a) Title. These rules are titled and should be cited as the Idaho Rules of Evidence, or abbreviated I.R.E.

(b) Scope. These rules govern all cases and proceedings in the courts of the State of Idaho and all cases and proceedings to which rules of evidence are applicable, except as otherwise provided in this rule.

(c) Rules on Privilege. The rules on privileges apply to all stages of a case or proceeding.

(d) Rules Inapplicable in Part. These rules apply in the following proceedings, subject to the enumerated exceptions:

(1) preliminary hearings except as modified by Rule 5.1(b) of the Idaho Criminal Rules;

(2) proceedings under the Juvenile Corrections Act except as modified by the Idaho Juvenile Rules;

(3) masters proceedings unless the appointing court directs otherwise in the order of appointment pursuant to Rule 53 of the Idaho Rules of Civil Procedure;

(4) proceedings under the Uniform Post-Conviction Procedure Act except as modified by Idaho Code Section 19-4907;

(5) proceedings for suspension of driver's license for failure to take an evidentiary test for alcohol concentration except as modified by Rule 9.2(a) of the Idaho Misdemeanor Criminal Rules;

(6) proceedings conducted under the Idaho Rules of Family Law Procedure, except as modified by I.R.F.L.P. 102;



(7) restitution hearings except as modified by I.C. § 19-5304(6).

(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;

(4) contempt proceedings in which the court may act summarily;

(5) in the small claims department of the district court;

(6) hearings conducted under the Child Protective Act, I.C. Section 16-1601, et seq., except that these rules apply at adjudicatory hearings conducted under I.C. Section 16-1619 and in termination of parental rights cases under I.C. Section 16-1624;

(7) informal hearings for emergency medical treatment under I.C. Section 16-1627;

(8) hearings conducted under I.C. Section 18-609A on a request for judicial authorization for performance of an abortion on a minor.

(f) Definitions. In these rules:



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- (1) "case" includes an action or proceeding;
- (2) "record" includes a memorandum, report, or data compilation;
- (3) a reference to any kind of written material or any other medium includes electronically stored information.

(Adopted January 8, 1985, effective July 1, 1985; amended June 7, 1993, effective July 1, 1993; amended March 1, 2000, effective July 1, 2000; amended December 26, 2002, effective February 1, 2003; amended March 21, 2007; effective July 1, 2007; amended April 4, 2008, effective July 1, 2008; amended February 9, 2012, effective July 1, 2012; amended and effective May 28, 2019.)

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