



## **I.R.E. 609. Impeachment by Evidence of Conviction of Crime.**

### **Idaho Rules of Evidence Rule 609. Impeachment by Evidence of a Criminal Conviction.**

**(a) In General.** For the purpose of attacking a witness's character for truthfulness, evidence of the fact that the witness has been convicted of a felony and the nature of the felony must be admitted if elicited from the witness or established by public record, but only if the court determines in a hearing outside the presence of the jury that the fact of the prior conviction or the nature of the prior conviction, or both, are relevant to the witness's character for truthfulness and that the probative value of this evidence outweighs its prejudicial effect to the party offering the witness. If the evidence of the fact of a prior felony conviction, but not the nature of the conviction, is admitted for impeachment of a party to the action or proceeding, the party has the option to present evidence of the nature of the conviction, but evidence of the circumstances of the conviction is not admissible.

**(b) Limit on Using the Evidence after 10 years.** This subdivision (b) applies if more than 10 years have passed since the witness's conviction or release from confinement for it, whichever is later. Evidence of the conviction is admissible only if:

(1) its probative value, supported by specific facts and circumstances, substantially outweighs its prejudicial effect; and

(2) the proponent gives an adverse party reasonable written notice of the intent to use it so that the party has a fair opportunity to contest its use.

**(c) Effect of a Withheld or Vacated Judgment; Pardon for Innocence.** Evidence of a withheld judgment or a vacated judgment must not be admitted as a conviction. A conviction that has been the subject of a pardon, annulment or other equivalent procedure based on a finding of innocence is not admissible under this rule.

**(d) Effect of a Pardon, Annulment or Certificate of Rehabilitation Not Based on Innocence; Pendency of an Appeal.** If the conviction has been the subject of a pardon, annulment or certificate of rehabilitation or other equivalent procedure not based on a finding of innocence, or is the subject of a pending appeal, the evidence of a conviction is not rendered inadmissible, but such information must be considered by the court in determining admissibility. Evidence of the pardon, annulment, certificate of rehabilitation or other equivalent procedure, or pendency of an appeal is admissible if evidence of the conviction is admitted.

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