

In the Supreme Court of the State of Idaho

IN RE: AMENDMENT OF IDAHO)
MISDEMEANOR CRIMINAL RULE 5)
_____)

ORDER AMENDING
RULE

The Court, having reviewed the recommendation of the Misdemeanor/Infraction Rules Advisory Committee to update information on the defendant's copy of the Uniform Citation, and having approved the recommendation;

NOW, THEREFORE, IT IS HEREBY ORDERED THAT Misdemeanor Criminal Rule 5, as it appears in the volume published by the Idaho Code Commission, be amended as follows:

Rule 5. Uniform citation - Issuance - Service - Form - Number - Distribution.

(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:

DEFENDANT'S COPY

READ CAREFULLY

This is an INFRACTION charge in which:

NOTE: If you fail to appear within the time allowed for your appearance, judgment will be entered against you.

~~Failure to pay the penalty could result in your license being suspended.~~

1. You may be represented by a lawyer at your expense.
2. You are entitled to a trial before a judge, but you do not have a right to trial by jury.
3. If you admit the offense or are found to have committed the offense, your fixed penalty and costs cannot be increased or decreased by the judge.
4. DENIAL OF CHARGE. If you do not feel you committed the offense(s) you may appear before the clerk of the court and DENY the charge, or you may indicate your denial below, within the time allowed for your appearance, and you will be given a trial date by the clerk.

I DENY VIOLATION #1 #2. A ~~court~~ trial before a judge will be set and a notice sent to your home address.

5. ADMISSION OF CHARGE. You may admit the charge by mailing to the court (within the time allowed for your appearance) this copy of the citation together with your personal check or money order for the amount of the fixed penalty and costs. You may also pay over the Internet by going to <http://courtpay.idaho.gov>. <https://mycourts.idaho.gov>. Payment of the fixed penalty and costs by mail or via the Internet will cause a judgment to be entered against you for the infraction for which driver violation points may be assessed against you by the ~~Department of Idaho~~ Transportation Department's Division of Motor Vehicles, OR You may go before the clerk of the court, within the time allowed for your appearance, to enter your admission at which time you must pay the same fixed penalty and costs.

FIXED PENALTY AND COSTS

VIOLATION #1 \$ _____

VIOLATION #2 \$ _____

Total Penalty and Costs \$ _____

I ADMIT TO VIOLATION #1 #2 and enclose my check for the full penalty and costs.

MAIL TO: MAGISTRATE COURT, _____ Idaho 83

This is an infraction for failure to have insurance. If you admit the charge or are found to have committed the charge, upon notice from the department, your driver's license will be suspended until you pay the fixed penalty, provide proof of insurance to the Driver's Services Bureau of the Department of Idaho Transportation Department's Division of Motor Vehicles and pay a reinstatement fee. (Fee may be paid at: Idaho.gov/)

This is a MISDEMEANOR charge in which:

NOTE: If you fail to appear within the time allowed for your appearance, another charge of failure to appear may be filed and a warrant may be issued for your arrest.

1. You may be represented by a lawyer, which will be at your expense unless the judge finds you are indigent.

2. You are entitled to a trial by jury if requested by you.

3. PLEA OF NOT GUILTY. You may plead not guilty to the charge by appearing before the clerk of the court or the judge, within the time allowed for your appearance, at which time you will be given a trial date.

4. PLEA OF GUILTY. You may plead guilty to the charge by going before the clerk of the court, within the time allowed for your appearance, at which time you will be told if you can pay a fixed fine or whether it will be necessary for you to appear before the judge; OR

You may have your fine determined by a judge at a time arranged with the clerk of the court, within the time allowed for your appearance.

5. If you plead guilty, you may still give an explanation to the judge.

6. You may call the clerk of the court to determine if you can sign a plea of guilty and pay the fine and costs by mail or over the Internet by going to <http://court.pay.idaho.gov>. <https://mycourts.idaho.gov>.

I plead guilty to all of the charges.

Defendant (If authorized by clerk of magistrate court)

[Back of Defendant's Copy]

IT IS FURTHER ORDERED that this order and amendments shall be effective no later than March 1, 2019.

IT IS FURTHER ORDERED that the above designation of the striking of words from the Rule by lining through them, and the designation of the addition of new portions of the Rule by underlining the new portion is for 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 Misdemeanor Criminal Rule.

IT IS FURTHER ORDERED that notice of this Order shall be given to the Idaho State

DATED this 26th day of September, 2018.

By order of the Supreme Court

R. Burdick
Roger S. Burdick, Chief Justice

ATTEST:

Karel A. Lehrman
Clerk

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 9/27/18

KAREL A LEHRMAN Clerk

Chief Deputy

By: [Signature]