In the Supreme Court of the State of Idaho

IN RE: AMENDMENTS TO THE IDAHO MISDEMEANOR CRIMINAL RULES)

ORDER

The Court, having received a recommendation to amend the Idaho Misdemeanor Criminal Rules, and

WHEREAS, on April 22, 2020, in response to the novel coronavirus (COVID-19) emergency in the State of Idaho, this Court issued an Order "In re: Emergency Reduction in Court Services and Limitation of Access to Court Facilities;" and

WHEREAS, Idaho Criminal Rule 46(c), sets forth the factors to be considered when determining whether a person should be released on recognizance or admitted to bail; and

WHEREAS, in light of the COVID-19 emergency, reducing jail populations is an important goal when the accused offender does not pose an undue public safety risk to society or a risk of flight; and

WHEREAS, Idaho Misdemeanor Criminal Rule 13 provides a bond schedule for persons arrested on misdemeanor charges, and Idaho Misdemeanor Criminal Rule 14 provides for the disposition of citations by written plea of guilty; and

WHEREAS, the lowest risk offenses included in the bond schedule have been identified; and

WHEREAS, temporarily amending the bond schedule to set a "book and release" bond schedule for certain offenses, in lieu of money bond, and amending the rule regarding disposition of citations by written plea of guilty, will support the goal of reducing jail populations; and

WHEREAS, this Court previously approved a pilot program in Ada County temporarily amending Idaho Misdemeanor Criminal Rule 13; and

WHEREAS, this Court entered an Order, dated March 18, 2020, adopting a resolution amending Idaho Misdemeanor Criminal Rule 13,

and the Court being fully informed as to the recommended rule changes,

NOW, THEREFORE, IT IS ORDERED that this Court's Order, dated March 18, 2020, adopting a resolution amending Idaho Misdemeanor Criminal Rule 13 is rescinded and replaced by this Order.

IT IS FURTHER ORDERED that the Idaho Misdemeanor Criminal Rules be amended as follows:

Rule 13. Bail Bond Schedule

(a) **Amount of bail**. The amount of bail for misdemeanor traffic offenses and other criminal offenses shall be as set forth herein. Such bail schedules shall not govern when a person charged appears before a judge or magistrate, or the defendant's case is reviewed by a judge or magistrate, in which case such bail schedules are advisory only and bail may be raised, lowered or eliminated at the magistrate's discretion based upon the circumstances of that particular case. Any judge may also designate a bond schedule for offenses not listed below.

(b) **Bail bond schedule**. Except as provided above, the bail bond required for specific alleged offenses pending arraignment or trial shall be as follows:

Idaho Code	**Offense**	**Bail Bond**
* * *		
	(2) LICENSES, REGISTRATION AND INSURANCE OFFENSES	
	(A) License Offenses	
49-301	No license or invalid license, Class A, B or C license, or third offense within 5 years of first offense Class D license	~~$500~~ Book & Release
* * *		
18-8001	Driving without privileges (Unless suspension pursuant to I.C. §§ 18-1502, 49-326(1)(g), 49-1204, 49-1207)	
	Idaho Resident	~~$500~~ Book & Release
	Nonresident	~~$500~~ Book & Release
* * *		
	(C) Insurance Offenses	
49-1229	Failure of owner of vehicle to maintain liability insurance (Second or subsequent offense within 5 year period only)	~~$280.00~~ Book & Release

49-1232	Failure to carry proof of liability insurance in vehicle (Second or subsequent offense within 5 year period only)	~~$280.00~~ Book & Release
49-1428	Operating a motor vehicle without liability insurance (Second or subsequent offense within 5 year period only)	~~$280.00~~ Book & Release

* * *

Rule 14. Disposition of Citations by Written Plea of Guilty - Limitations - Deferred Payment Agreements.

(a) Written Plea of Guilty. Subject to the limitations of subsections (b) and (c) of this rule, any person charged with a misdemeanor by a uniform citation or complaint may sign a written plea of guilty on the citation and pay the fine and court costs. The amount of the fine and court costs to be assessed for an offense under a written plea of guilty shall be the bail bond amount provided in Rule 13. Upon the entry of a written plea of guilty under this rule, the clerk shall enter a judgment of conviction and shall collect the payment of the fine and court costs or enter into a deferred payment agreement with the defendant as provided in Rule 8. If a defendant appears before a judge or magistrate, or if a judge or magistrate reviews the file of a defendant and finds that summary disposition under this rule is not appropriate, in either event the summary disposition under this Rule 14(a) shall not apply and the Court shall make disposition of the case.

(b) Limitation on offenses for written plea of guilty. A written plea of guilty can be accepted under subsection (a) of this rule only if the required bail bond under Rule 13 does not exceed:

(1) $276.00 for a motor vehicle offense.

~~(2) $500.00 for an offense under I.C. Section 49-301.~~

(2~~3~~) $582.00 for offenses under I.C. Sections 49-432, 49-432(2)(a), 49-432(2)(b) and 63-2455.

(3~~4~~) $4,103.50 for offenses under I.C. Sections 49-1001, 49-1002, 49-1004, and 49-1005; $421.00 for violations of I.C. Sections 49-1427, and Rules under I.C. Section 67-2901A and $276.00 for the other offenses listed under Rule 13(b)(3).

(4~~5~~) $191.00 for any fish or game offense, except those where the citation indicates the offense requires suspension of a license or payment of a civil penalty.

(5~~6~~) $276.00 for any other offense.

(c) Additional limitation on offenses for written plea of guilty. With the exception of an offense under I.C. Section 49-301, a written plea of guilty shall not be accepted pursuant to this rule for

an offense with the bail bond designation of "Book & Release" under Rule 13. The amount of the fine and court costs to be assessed upon a written plea of guilty for an offense under I.C. Section 49-301 shall be $500.00.

IT IS FURTHER ORDERED, that this order and these amendments shall be effective immediately, and shall remain in effect until further order of this Court.

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 Misdemeanor Criminal Rules.

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 13 day of May, 2020.

By Order of the Supreme Court

Roger Burdick

Roger S. Burdick, Chief Justice

ATTEST:

Karel A. Lehrman

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 In Re: Amendments entered in the above entitled cause and now on record in my office.
WITNESS my hand and the Seal of this Court 5-13-20

KAREL A. LEHRMAN Clerk

By: Chief Deputy