In the Supreme Court of the State of Idaho

IN RE: ADOPTION OF IDAHO CRIMINAL RULE 28))) **ORDER**

The Court having received a recommendation to amend the Idaho Criminal Rules, and the Court being fully informed;

NOW, THEREFORE, IT IS HEREBY ORDERED that the Idaho Criminal Rules be, and are hereby, amended as follows:

1. That a NEW Rule 28 be ADOPTED as follows:

Idaho Criminal Rule 28. Determination of Good Cause Regarding Statutory Trial Time Requirements.

When considering whether good cause exists in ruling on a motion to continue a trial or a request to dismiss which is based upon the time requirements set forth in section 19-3501, Idaho Code, in exercising its discretion, the court shall consider the following factors:

1. the length of the delay beyond the statutory timeframe;
2. whether there have been prior continuances and the reasons therefore;
3. the reason(s) for the current delay, including but not limited to: whether the delay was necessary to safeguard the health or safety of the parties, jurors, attorneys, witnesses, court staff, or the public, and whether the delay was necessitated by the declaration of an emergency by the President of the United States or the Governor of the State of Idaho;
4. whether and when the accused requested compliance with the statutory trial time requirements;
5. the prejudice, if any, to the accused of permitting the prosecution to proceed beyond the statutory trial time requirements; and,
6. any other factor the court deems relevant.

IT IS FURTHER ORDERED, that this order shall be effective March 18, 2020.

IT IS FURTHER ORDERED, that the addition of new Rule 28 is the only amendment and NO OTHER AMENDMENTS ARE INTENDED.

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 18th day of March, 2020.

By Order of the Supreme Court

Roger Burdick

Roger S. Burdick, Chief Justice

ATTEST:

Clerk