



Select Victims' Rights – Idaho

USING THIS RESOURCE

This resource is intended to provide a base of knowledge regarding crime victims' rights in Idaho and promising practices to ensure compliance with and enforcement of those rights. To keep this *Guide* as user-friendly as possible in light of the breadth, complexity and evolving nature of law, the *Guide* does not include all laws. The *Guide* is intended for informational purposes only. It does not constitute legal advice, nor does it substitute for legal advice. For more in-depth information about the laws governing privacy, confidentiality and privilege in Idaho, see the companion resource: *Law Enforcement-Based Victim Services in Idaho: Privacy, Privilege and Confidentiality*.

The following icons are used throughout this resource to highlight key moments for the user.



= Promising Practices: As used in this *Guide*, the “promising practices” indicator highlights procedures, methods or techniques, grounded in victim-centered and trauma-informed research and experience, that afford victims meaningful rights in the justice system.



= Take Note: As used in this *Guide*, the “take note” indicator provides context for the law cited or discussed. For example, if a law has a particularly narrow application or does not explicitly prohibit an action the “take note” indicator is used to highlight or provide clarity around the law.

This resource was developed by the National Crime Victim Law Institute (NCVLI) under 2018-V3-GX-K049, 2020-V3-GX-K001 and 15OVC-22-GK-01805-NONF, awarded to the International Association of Chiefs of Police (IACP) by the Office for Victims of Crime, Office of Justice Programs, U.S. Department of Justice. The opinions, findings, and conclusions or recommendations expressed in this resource are those of the contributors and do not necessarily represent the official position of the U.S. Department of Justice.

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¹ This table of contents and index of rights provides specific page references for many of the victims' rights laws contained within this *Guide*. The referenced laws are often narrower in scope than the broader rights identified in the index and may contain components of multiple core rights. Not all of the laws contained within this *Guide* are referenced in the table of contents and index; therefore, it is recommended that this document be reviewed in full.

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<p>SELECT DEFINITIONS</p>	<p>Idaho Statutes</p>
<p>Statutory Crime Victims' Rights Definitions.</p> <p>As used in this section:</p> <p>(a) "Victim" is an individual who suffers direct or threatened physical, financial or emotional harm as the result of the commission of a crime or juvenile offense;</p> <p>(b) "Criminal offense" is any charged felony or a misdemeanor involving physical injury, or the threat of physical injury, or a sexual offense;</p> <p>(c) "Juvenile offense" is charged conduct that is a violation of law that brings a juvenile within the purview of chapter 5, title 20, Idaho Code, and which conduct committed by a juvenile would be a felony if committed by an adult.</p> <p> These definitions apply to Idaho's statutory victims' rights, § 19-5306. This statutory provision is included below in the section "Select Crime Victims' Rights."</p>	<p>Idaho Code Ann. § 19-5306(5).</p>
<p>Victims' Right to Restitution Definitions.</p> <p>As used in this chapter:</p> <p>(a) "Economic loss" includes, but is not limited to, the value of property taken, destroyed, broken, or otherwise harmed, lost wages, and direct out-of-pocket losses or expenses, such as medical expenses resulting from the criminal conduct, but does not include less tangible damage such as pain and suffering, wrongful death or emotional distress.</p>	<p>Idaho Code Ann. § 19-5304(1).</p>

<p>(b) “Found guilty of any crime” shall mean a finding by a court that a defendant has committed a criminal act and shall include an entry of a plea of guilty, an order withholding judgment, suspending sentence, or entry of judgment of conviction for a misdemeanor or felony.</p> <p>(c) “Value” shall be as defined in section 18-2402(11), Idaho Code.</p> <p>(d) “Property” shall be as defined in section 18-2402(8), Idaho Code.</p> <p>(e) “Victim” shall mean:</p> <p>(i) The directly injured victim which means a person or entity, who suffers economic loss or injury as the result of the defendant’s criminal conduct and shall also include the immediate family of a minor and the immediate family of the actual victim in homicide cases;</p> <p>(ii) Any health care provider who has provided medical treatment to a directly injured victim if such treatment is for an injury resulting from the defendant’s criminal conduct, and who has not been otherwise compensated for such treatment by the directly injured victim or the immediate family of the directly injured victim;</p> <p>(iii) The account established pursuant to the crime victims compensation act, chapter 10, title 72, Idaho Code, from which payment was made to or on behalf of a directly injured victim pursuant to the requirements of Idaho law as a result of the defendant’s criminal conduct;</p> <p>(iv) A person or entity who suffers economic loss because such person or entity has made payments to or on behalf of a directly injured victim pursuant to a contract including, but not limited to, an insurance contract, or payments to or on behalf of a directly injured victim to pay or settle a claim or claims against such person or entity in tort or pursuant to statute and arising from the crime.</p>	
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<p> These definitions apply to Idaho Code Ann §§ 19-5301 through 19-5307, governing some forms of financial compensation for crime victims. Some of these statutory provisions are included below in the section “Select Crime Victims’ Rights.”</p>	
<p>Child-Victims’ Right to Accompaniment by Facility Dog Definition.</p> <p>For purposes of this section, “facility dog” means a dog that is a graduate of an assistance dog organization that is a member of assistance dogs international or a similar internationally recognized organization whose main purpose is to grant accreditation to assistance dog organizations based on standards of excellence in all areas of assistance dog acquisition, training and placement.</p> <p> This definition applies to Idaho Code Ann § 19-3023, governing child-victims’ and witnesses’ rights to accompaniment by a support person and/or facility dog. This statutory provision is included below in the section “Select Crime Victims’ Rights.”</p>	<p>Idaho Code Ann. § 19-3023(3).</p>
<p>Uniform Child Witness Testimony by Alternative Methods Act Definitions.</p> <p>In this chapter:</p> <p>(1) “Alternative method” means a method by which a child witness testifies which does not include all of the following:</p> <ul style="list-style-type: none"> (a) Having the child present in person in an open forum; (b) Having the child testify in the presence and full view of the finder of fact and presiding officer; and (c) Allowing all of the parties to be present, to participate and to view and be viewed by the child. 	<p>Idaho Code Ann. § 9-1802.</p>

<p>(2) “Child witness” means an individual under the age of thirteen (13) years who has been or will be called to testify in a proceeding.</p> <p>(3) “Criminal proceeding” means a trial or hearing before a court in a prosecution of a person charged with violating a criminal law of this state and a juvenile delinquency proceeding involving conduct that if engaged in by an adult would constitute a violation of the criminal law of this state.</p> <p>(4) “Noncriminal proceeding” means a trial or hearing before a court or an administrative agency of this state having judicial or quasi-judicial powers, other than a criminal proceeding.</p> <p> These definitions apply to Idaho’s Uniform Child Witness Testimony by Alternative Methods Act, Idaho Code Ann. §§ 9-1801 through 9-1808. Some of these statutory provisions are included below in the section “Select Crime Victims’ Rights.”</p>	
<p>Crime Victims Compensation Act Definitions.</p> <p>As used in this chapter:</p> <p>(1) “Claimant” means any of the following claiming compensation under this chapter:</p> <ul style="list-style-type: none"> (a) A victim; (b) A dependent of a deceased victim; or (c) An authorized person acting on behalf of any of them, including parent(s), legal guardian(s), and sibling(s), of a victim who is a minor. <p>(2) “Collateral source” means a source of benefits, other than welfare benefits, or advantages for economic loss otherwise compensable under this chapter which the claimant has received or which is readily available to him from:</p> <ul style="list-style-type: none"> (a) The offender; 	<p>Idaho Code Ann. § 72-1003.</p>

(b) The government of the United States or any agency thereof, a state or any of its political subdivisions, or an instrumentality of two (2) or more states, unless the law providing for the benefits or advantages makes them excess or secondary to benefits under this chapter;

(c) Social security, medicare, and medicaid;

(d) Worker's compensation;

(e) Wage continuation programs of any employer;

(f) Proceeds of a contract of insurance payable to the claimant for loss which was sustained because of the criminally injurious conduct; or

(g) A contract, including an insurance contract, providing hospital and other health care services or benefits for disability. Any such contract in this state may not provide that benefits under this chapter shall be a substitute for benefits under the contract or that the contract is a secondary source of benefits and benefits under this chapter are a primary source.

(3) "Commission" means the industrial commission.

(4) "Criminally injurious conduct" means intentional, knowing, or reckless conduct that:



(a) Occurs or is attempted in this state or occurs outside the state of Idaho against a resident of the state of Idaho and which occurred in a state which does not have a crime victims compensation program for which the victim is eligible as eligibility is set forth in this statute;


(b) Constitutes an act of terrorism as defined by 18 U.S.C. 2331, committed outside the United States against a resident of this state;


(c) Results in injury or death; and


(d) Is punishable by fine, imprisonment, or death or would be so punishable but for the fact that the person engaging in the conduct lacked capacity to commit the crime under the laws of this state. Criminally injurious conduct does not include conduct arising out of the ownership, maintenance, or use of a motor vehicle except when intended to cause personal injury or death; provided that criminally injurious conduct shall include violations of the

<p>provisions of section 18-4006 3(b), 18-8004, 18-8006, 18-8007, 67-7027, 67-7034 or 67-7035, Idaho Code.</p> <p>(5) “Dependent” means a natural person who is recognized under the law of this state to be wholly or partially dependent upon the victim for care or support and includes a child if under the age of eighteen (18) years or incapable of self-support and unmarried and includes a child of the victim conceived before the victim’s death but born after the victim’s death, including a child that is conceived as a result of the criminally injurious conduct.</p> <p>(6) “Extenuating circumstances” means that a victim requires further mental health treatment due to trauma arising out of covered criminal conduct in order to perform major life functions or the activities of daily living.</p> <p>(7) “Injury” means actual bodily harm or disfigurement and, with respect to a victim, includes pregnancy, venereal disease, mental or nervous shock, or extreme mental distress. For the purposes of this chapter, “extreme mental distress” means a substantial personal disorder of emotional processes, thought or cognition which impairs judgment, behavior or ability to cope with the ordinary demands of life.</p> <p>(8) “Victim” means a person who suffers injury or death as a result of: (a) Criminally injurious conduct; (b) His good faith effort to prevent criminally injurious conduct; or (c) His good faith effort to apprehend a person reasonably suspected of engaging in criminally injurious conduct.</p> <p>(9) “Welfare benefits” as used in subsection (2) of this section, shall include sums payable to or on behalf of an indigent person under chapter 35, title 31, Idaho Code.</p>	
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<p> These definitions apply to Idaho’s Crime Victims Compensation Act, Idaho Code Ann. §§ 72-1001 through 72-1026. Some of these statutory provisions are included below in the section “Select Crime Victims’ Rights.”</p>	
<p>Address Confidentiality for Victims of Violence Act Definitions.</p> <p>Unless the context clearly requires otherwise, for purposes of this chapter, the following terms have the following meanings:</p> <ol style="list-style-type: none"> (1) “Address” means a residential street address of an individual as specified on the individual’s application to be a program participant under this chapter. (2) “Domestic violence” means an act pursuant to section 18-918, Idaho Code. (3) “Human trafficking” means an act pursuant to section 18-8602, Idaho Code. (4) “Malicious harassment” means an act pursuant to section 18-7902, Idaho Code. (5) “Program participant” means a person certified as a program participant pursuant to section 19-5703, Idaho Code. (6) “Sexual assault” means an act pursuant to section 18-1506, 18-1508, 18-1508A or 18-6101, Idaho Code. (7) “Stalking” means an act pursuant to section 18-7905 or 18-7906, Idaho Code. <p> These definitions apply to Idaho’s Address Confidentiality for Victims of Violence Act, Idaho Code Ann. §§ 19-5701 through 19-5708. Some of these statutory provisions are included below in the section “Select Crime Victims’ Rights.”</p>	<p>Idaho Code Ann. § 19-5702.</p>



<p>Domestic Violence and Sexual Assault Program Employee/Volunteer-Victim Privilege Definitions.</p> <p>For purposes of this section:</p> <p>(a) “Recipient” means any individual who has received or inquired about receiving services or assistance from a domestic or sexual violence program, including shelter, advocacy, counseling, or other services offered by a domestic or sexual violence program.</p> <p>(b) “Domestic or sexual violence program” means any nonprofit organization, nongovernmental organization, private entity, or tribe or tribal organization that has as its primary purpose the operation of shelters or supportive services for victims of domestic or sexual violence and their dependents or counseling, advocacy, or self-help services to victims of domestic or sexual violence.</p> <p> These definitions apply to Idaho’s domestic violence and sexual assault program employee/volunteer-victim privilege, Idaho Code Ann. § 9-203(9). This statutory provision is included below in the section “Select Crime Victims’ Rights.”</p>	<p>Idaho Code Ann. § 9-203(10).</p>
<p>Victims’ Rights Regarding Testing and Retention of Sexual Assault Evidence Kits Definitions.</p> <p>As used in this section:</p> <p>(a) “Sexual assault evidence kit” means a set of materials, such as swabs and tools for collecting blood samples, used to gather forensic evidence from a victim of reported sexual assault and the evidence obtained with such materials.</p>	<p>Idaho Code Ann. § 67-2919(14).</p>



<p>(b) “Unfounded” means evidence exists that proves no crime occurred.</p> <p>(c) “Written request” and “written notification” shall include electronic mail.</p> <p> These definitions apply to Idaho Code Ann. § 67-2919, governing testing and retention of sexual assault evidence kits. This statutory provision is included below in the section “Select Crime Victims’ Rights.”</p>	
<p>Domestic Violence Crime Prevention Act Definitions.</p> <p>(1) “Domestic violence” means the physical injury, sexual abuse or forced imprisonment or threat thereof of a family or household member, or of a minor child by a person with whom the minor child has had or is having a dating relationship, or of an adult by a person with whom the adult has had or is having a dating relationship.</p> <p>(2) “Dating relationship,” for the purposes of this chapter, is defined as a social relationship of a romantic nature. Factors that the court may consider in making this determination include:</p> <ul style="list-style-type: none"> (a) The nature of the relationship; (b) The length of time the relationship has existed; (c) The frequency of interaction between the parties; and (d) The time since termination of the relationship, if applicable. <p>(3) “Family member” means spouses, former spouses and persons related by blood, adoption or marriage.</p> <p>(4) “Family dwelling” is any premises in which the petitioner resides.</p> <p>(5) “Foreign protection order” means a protection order issued by a tribunal of another state.</p>	<p>Idaho Code Ann. § 39-6303.</p>





<p>(6) “Household member” means persons who reside or have resided together, and persons who have a child in common regardless of whether they have been married or have lived together at any time.</p> <p>(7) “Judicial day” means any day upon which court business may be transacted as provided in sections 1-1606 and 1-1607, Idaho Code.</p> <p>(8) “Protection order” means any order issued for the purpose of preventing violent or threatening acts or acts of harassment against, or contact or communication with, or physical proximity to, another person, where the order was issued: (a) Pursuant to this chapter; (b) In another jurisdiction pursuant to a provision similar to section 39-6306, Idaho Code; or (c) In any criminal or civil action, as a temporary or final order (other than a support or child custody order), and where the order was issued in a response to a criminal complaint, petition or motion filed by or on behalf of a person seeking protection, and issued after giving notice and an opportunity to respond to the person being restrained.</p> <p>(9) “Respondent” means the individual against whom enforcement of a protection order is sought.</p> <p> These definitions apply to Idaho’s Domestic Violence Prevention Act, Idaho Code Ann. §§ 39-6303.through 39-6308. Some of these statutory provisions are included below in the section “Select Crime Victims’ Rights.”</p>	
<p>Idaho’s Public Records Act Definitions.</p> <p>As used in this chapter:</p>	<p>Idaho Code Ann. § 74-101.</p>



<p>(1) “Applicant” means any person formally seeking a paid or volunteer position with a public agency. Applicant does not include any person seeking appointment to a position normally filled by election.</p> <p>(2) “Copy” means transcribing by handwriting, photocopying, duplicating machine or reproducing by any other means as long as the public record is not altered or damaged.</p> <p>(3) “Custodian” means the person or persons having personal custody and control of the public records in question.</p> <p>(4) “Independent public body corporate and politic” means the Idaho housing and finance association as created in chapter 62, title 67, Idaho Code.</p> <p>(5) “Inspect” means the right to listen, view and make notes of public records as long as the public record is not altered or damaged.</p> <p>(6) “Investigatory record” means information with respect to an identifiable person, group of persons or entities compiled by a public agency pursuant to its statutory authority in the course of investigating a specific act, omission, failure to act, or other conduct over which the public agency has regulatory authority or law enforcement authority.</p> <p>(7) “Law enforcement agency” means any state or local agency given law enforcement powers or that has authority to investigate, enforce, prosecute or punish violations of state or federal criminal statutes, ordinances or regulations.</p> <p>(8) “Local agency” means a county, city, school district, municipal corporation, independent public body corporate and politic, district, public health district, political subdivision, or any agency thereof, or any committee of a local agency, or any combination thereof.</p>	
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<p>(9) "Person" means any natural person, corporation, partnership, firm, association, joint venture, state or local agency or any other recognized legal entity.</p> <p>(10) "Prisoner" means a person who has been convicted of a crime and is either incarcerated or on parole for that crime or who is being held in custody for trial or sentencing.</p> <p>(11) "Public agency" means any state or local agency as defined in this section.</p> <p>(12) "Public official" means any state, county, local district, independent public body corporate and politic or governmental official or employee, whether elected, appointed or hired.</p> <p>(13) "Public record" includes, but is not limited to, any writing containing information relating to the conduct or administration of the public's business prepared, owned, used or retained by any state agency, independent public body corporate and politic or local agency regardless of physical form or characteristics. Provided, however, that personal notes created by a public official solely for his own use shall not be a public record as long as such personal notes are not shared with any other person or entity.</p> <p>(14) "Requester" means the person requesting examination and/or copying of public records pursuant to section 74-102, Idaho Code.</p> <p>(15) "State agency" means every state officer, department, division, bureau, commission and board or any committee of a state agency, including those in the legislative or judicial branch, except the state militia and the Idaho state historical society library and archives.</p> <p>(16)(a) "Unwarranted invasion of personal privacy" means:</p> <p>(i) Disclosure of information used to identify, locate, or harass a juvenile, a victim of an alleged crime of mass violence or domestic violence, or a victim of physical or sexual abuse; or</p>	
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<p>(ii) Disclosure where release of information is likely to violate legitimate and substantial privacy interests of the person identified when such interests are weighed against general public information.</p> <p>(b) Release of the name, age, sex, and hometown of any deceased person after notification of next-of-kin shall not constitute an unwarranted invasion of personal privacy and shall be disclosed unless otherwise exempt under this chapter.</p> <p>(17) "Writing" includes, but is not limited to, handwriting, typewriting, printing, photostating, photographing and every means of recording, including letters, words, pictures, sounds, or symbols, or combination thereof, and all papers, maps, magnetic or paper tapes, photographic films and prints, magnetic or punched cards, discs, drums or other documents.</p> <p> These definitions apply to Idaho's Public Records Act, Idaho Code Ann. §§ 74–101 through 74–127. Some of these statutory provisions are included below in the section "Select Crime Victims' Rights."</p>	
<p>SELECT CRIME VICTIMS' RIGHTS</p>	<p>Idaho Constitutional and Statutory Provisions</p>
<p>Victims' Rights to Be Treated with Fairness, Respect, Dignity and Privacy.</p> <p>A crime victim, as defined by statute, has the . . . right[] [t]o be treated with fairness, respect, dignity and privacy throughout the criminal justice process.</p> <p> Idaho's victims' rights laws extend similar statutory rights to victims. <i>See, e.g.</i>, Idaho Code Ann. § 19-5306(1)(a) ("Each victim of a criminal or juvenile offense shall be . . .</p>	<p>Idaho Const. art. I, § 22(1).</p>


<p>[t]reated with fairness, respect, dignity and privacy throughout the criminal justice process[.]”). This statutory provision is included below.</p>	
<p>Victims’ Right to Timely Disposition of the Case.</p> <p>A crime victim, as defined by statute, has the . . . right[] [t]o timely disposition of the case.</p> <p> Idaho’s victims’ rights laws extend similar statutory rights to victims. <i>See, e.g.</i>, Idaho Code Ann. § 19-5306(c) (“Each victim of a criminal or juvenile offense shall be . . . [e]ntitled to a timely disposition of the case[.]”). This statutory provision is included below.</p>	<p>Idaho Const. art. I, § 22(2).</p>
<p>Victims’ Right to Prior Notice of Trial Court, Appellate and Parole Proceedings; Right, Upon Request, to Information about Sentence, Incarceration and Release of Defendant.</p> <p>A crime victim, as defined by statute, has the . . . right[] [t]o prior notification of trial court, appellate and parole proceedings and, upon request, to information about the sentence, incarceration and release of the defendant.</p> <p> Idaho’s victims’ rights laws extend similar statutory rights to victims. <i>See, e.g.</i>, Idaho Code Ann. § 19-5306(d) (“Each victim of a criminal or juvenile offense shall be . . . [g]iven prior notification of trial court, appellate, probation and parole proceedings and, upon request, to information about the sentence, incarceration, placing on probation or release of the defendant[.]”); Idaho Code Ann. § 19-5306(j) (“Each victim of a criminal or juvenile offense shall be . . . [n]otified whenever the defendant or suspect is released or escapes from custody. When release is ordered prior to final conviction, notice to the victim shall be given by the law enforcement authority from whose custody the defendant</p>	<p>Idaho Const. art. I, § 22(3).</p>




<p>was released. When the release is granted subsequent to a final conviction, notice shall be given to the victim by the law enforcement authority from whose custody the defendant was released unless release is granted by the commission of pardons and parole, in which case the commission shall notify the victim. When a release on probation is being considered following a period of retained jurisdiction, notice of the hearing shall be given to the victim by the prosecuting attorney.”). These statutory provisions are included below.</p> <p> A promising practice is to have a policy and procedure in place to notify victims, at the first opportunity, that victims must “request” the exercise of certain rights. Agencies should carefully maintain documentation of a victim’s request to exercise rights.</p> <p> A promising practice is to have a policy and procedure in place that enables crime victims to easily keep their contact information up-to-date across agencies.</p>	
<p>Victims’ Right to Be Present at All Criminal Justice Proceedings.</p> <p>A crime victim, as defined by statute, has the . . . right[] [t]o be present at all criminal justice proceedings.</p> <p> Idaho’s victims’ rights laws extend similar statutory rights to victims. <i>See, e.g.</i>, Idaho Code Ann. § 19-5306(1)(b) (“Each victim of a criminal or juvenile offense shall be . . . [p]ermitted to be present at all criminal justice proceedings or juvenile proceedings including probation proceedings[.]”). This statutory provision is included below.</p> <p> A victim’s right to be present should provide for the victim’s presence during the entirety of the trial. Even if the victim is to be a witness and the court concludes that the victim’s testimony would be materially altered if the victim hears other testimony, consider</p>	<p>Idaho Const. art. I, § 22(4).</p>





<p>discussing with the prosecutor the possibility of the victim testifying first to best ensure the victim's right to be present during the entirety of the trial.</p>	
<p>Victims' Right to Communicate with the Prosecution.</p> <p>A crime victim, as defined by statute, has the . . . right[] [t]o communicate with the prosecution.</p> <p> Idaho's victims' rights laws extend similar statutory rights to victims. <i>See, e.g.</i>, Idaho Code Ann. § 19-5306(f) ("Each victim of a criminal or juvenile offense shall be . . . [a]fforded the opportunity to communicate with the prosecution in criminal or juvenile offenses, and be advised of any proposed plea agreement by the prosecuting attorney prior to entering into a plea agreement in criminal or juvenile offenses involving crimes of violence, sex crimes or crimes against children[.]"). This statutory provision is included below.</p>	<p>Idaho Const. art. I, § 22(5).</p>
<p>Victims' Right to Be Heard, Upon Request, at All Criminal Justice Proceedings Considering Guilty Pleas, Sentencing, Incarceration or Release of Defendant.</p> <p>A crime victim, as defined by statute, has the . . . right[] [t]o be heard, upon request, at all criminal justice proceedings considering a plea of guilty, sentencing, incarceration or release of the defendant, unless manifest injustice would result.</p> <p> Idaho's victims' rights laws extend similar statutory rights to victims. <i>See, e.g.</i>, Idaho Code Ann. § 19-5306(e) ("Each victim of a criminal or juvenile offense shall be . . . [h]eard, upon request, at all criminal justice proceedings considering a plea of guilty, sentencing, incarceration, placing on probation or release of the defendant unless manifest injustice would result[.]"). This statutory provision is included below.</p>	<p>Idaho Const. art. I, § 22(6).</p>





<p> A promising practice is to have a policy and procedure in place to notify victims, at the first opportunity, that victims must “request” the exercise of certain rights. Agencies should carefully maintain documentation of a victim’s request to exercise rights.</p> <p> A promising practice is to be familiar with the acceptable formats for victim impact statements so that victims can be informed about all of their options. Depending on your jurisdiction’s law, victims may choose to: (1) read or speak their impact statement aloud at the sentencing proceeding, or have another person do it for them; (2) submit a written victim impact statement to the court in advance of sentencing; (3) provide an impact statement using technology to facilitate remote attendance; and/or (4) play or submit an impact statement that was created using audio and video technology.</p> <p> A defendant’s filing of post-sentencing pleadings and/or the conduct of post-sentencing hearings may take place long after the victim’s initial contact with the justice system. A promising practice is to have a policy and procedure in place that enables crime victims to easily keep their contact information up-to-date across agencies.</p>	
<p>Victims’ Right to Restitution.</p> <p>A crime victim, as defined by statute, has the . . . right[] [t]o restitution, as provided by law, from the person committing the offense that caused the victim’s loss.</p> <p> Idaho’s victims’ rights laws extend similar statutory rights to victims. <i>See, e.g.</i>, Idaho Code Ann. § 19-5304(2) (“Unless the court determines that an order of restitution would be inappropriate or undesirable, it shall order a defendant found guilty of any crime which results in an economic loss to the victim to make restitution to the victim.”). This statutory provision is included below. Other statutes provide for restitution rights for victims of</p>	<p>Idaho Const. art. I, § 22(7).</p>






<p>specific crimes. <i>See, e.g.</i>, Idaho Code Ann. § 18-6106 (court may order restitution on behalf of victims of rape for “specific costs incurred by the victim as a result of injury or loss caused by the criminal act”). This statutory provision is not included in this document.</p> <p> A promising practice is to inform victims that they are entitled to restitution upon the conviction of defendant for losses caused by defendant’s criminal conduct. Assisting victims with the documentation of their losses—including anticipated future expenses—is recommended from the earliest moments of the case.</p>	
<p>Victims’ Right to Refuse Interviews, Ex Parte Contacts or Other Requests by Defendant Unless Requests Authorized by Law.</p> <p>A crime victim, as defined by statute, has the . . . right[] [t]o refuse an interview, ex parte contact, or other request by the defendant, or any other person acting on behalf of the defendant, unless such request is authorized by law.</p> <p> Idaho’s victims’ rights laws extend similar statutory rights to victims. <i>See, e.g.</i>, Idaho Code Ann. § 19-5306(g) (“Each victim of a criminal or juvenile offense shall be . . . [a]llowed to refuse an interview, ex parte contact or other request by the defendant or any other person acting on behalf of the defendant, unless such request is authorized by law[.]”). This statutory provision is included below.</p>	<p>Idaho Const. art. I, § 22(8).</p>
<p>Victims’ Right to Read Presentence Reports.</p> <p>A crime victim, as defined by statute, has the . . . right[] [t]o read presentence reports relating to the crime.</p>	<p>Idaho Const. art. I, § 22(9).</p>




<p> Idaho's victims' rights laws extend similar statutory rights to victims. <i>See, e.g.</i>, Idaho Code Ann. § 19-5306(h) ("Each victim of a criminal or juvenile offense shall be . . . [c]onsulted by the presentence investigator during the preparation of the presentence report and have included in that report a statement of the impact which the defendant's criminal conduct had upon the victim and shall be allowed to read, prior to the sentencing hearing, the presentence report relating to the crime. The victim shall maintain the confidentiality of the presentence report, and shall not disclose its contents to any person except statements made by the victim to the prosecuting attorney or the court[.]"). This statutory provision is included below.</p>	
<p>Victims Have Same Rights in Juvenile Proceedings Where Offense Would Be Felony if Committed by an Adult; Victims' Access to Social History Report Determined by Statute.</p> <p>A crime victim, as defined by statute, has the . . . right[] [t]o the same rights in juvenile proceedings, where the offense is a felony if committed by an adult, as guaranteed in this section, provided that access to the social history report shall be determined by statute.</p>	<p>Idaho Const. art. I, § 22(10).</p>
<p>Victims' Constitutional Rights Do Not Authorize a Court to Dismiss Case, Set Aside/Void Finding of Guilt or Acceptance of Guilty Plea, or to Obtain Relief from Judgment; Do Not Create Cause of Action Against Government Entities or Persons; Do Not Limit Rights Already Conferred by Statute.</p> <p>Nothing in this section shall be construed to authorize a court to dismiss a case, to set aside or void a finding of guilt or an acceptance of a plea of guilty, or to obtain appellate, habeas corpus, or other relief from any criminal judgment, for a violation of the provisions of this section; nor be construed as creating a cause of action for money damages, costs or attorney fees against the state, a county, a municipality, any agency, instrumentality or person; nor be construed as limiting any rights for victims previously conferred by statute.</p>	<p>Idaho Const. art. I, § 22.</p>




<p>This section shall be self-enacting. The legislature shall have the power to enact laws to define, implement, preserve, and expand the rights guaranteed to victims in the provisions of this section.</p>	
<p>Victims' Rights to Be Treated with Fairness, Respect, Dignity and Privacy.</p> <p>Each victim of a criminal or juvenile offense shall be . . . [t]reated with fairness, respect, dignity and privacy throughout the criminal justice process[.]</p> <p> Idaho Code Ann. § 19-5306(5) defines the terms used in this statutory provision. These definitions are included above in the section "Select Definitions."</p> <p> Idaho extends similar constitutional rights to victims. <i>See, e.g.</i>, Idaho Const. art. I, § 22(1) ("A crime victim, as defined by statute, has the . . . right[] [t]o be treated with fairness, respect, dignity and privacy throughout the criminal justice process."). This constitutional provision is included above.</p>	<p>Idaho Code Ann. § 19-5306(1)(a).</p>
<p>Victims' Right to Be Present at All Criminal Justice and Juvenile Proceedings, Including Probation Proceedings.</p> <p>Each victim of a criminal or juvenile offense shall be . . . [p]ermitted to be present at all criminal justice proceedings or juvenile proceedings including probation proceedings[.]</p> <p> Idaho Code Ann. § 19-5306(5) defines the terms used in this statutory provision. These definitions are included above in the section "Select Definitions."</p>	<p>Idaho Code Ann. § 19-5306(1)(b).</p>




<p> Idaho extends similar constitutional rights to victims. <i>See, e.g.</i>, Idaho Const. art. I, § 22(4) (“A crime victim, as defined by statute, has the . . . right[] [t]o be present at all criminal justice proceedings.”). This constitutional provision is included above.</p> <p> A victim’s right to be present should provide for the victim’s presence during the entirety of the trial. Even if the victim is to be a witness and the court concludes that the victim’s testimony would be materially altered if the victim hears other testimony, consider discussing with the prosecutor the possibility of the victim testifying first to best ensure the victim’s right to be present during the entirety of the trial.</p>	
<p>Victims’ Right to Timely Disposition of the Case.</p> <p>Each victim of a criminal or juvenile offense shall be . . . [e]ntitled to a timely disposition of the case[.]</p> <p> Idaho Code Ann. § 19-5306(5) defines the terms used in this statutory provision. These definitions are included above in the section “Select Definitions.”</p> <p> Idaho extends similar constitutional rights to victims. <i>See, e.g.</i>, Idaho Const. art. I, § 22(2) (“A crime victim, as defined by statute, has the . . . right[] [t]o timely disposition of the case.”). This constitutional provision is included above.</p>	<p>Idaho Code Ann. § 19-5306(1)(c).</p>
<p>Victims’ Right to Prior Notice of Trial Court, Appellate, Probation and Parole Proceedings; Right, Upon Request, to Information about Sentence, Incarceration, Probation or Release of Defendant.</p>	<p>Idaho Code Ann. § 19-5306(1)(d).</p>





<p>Each victim of a criminal or juvenile offense shall be . . . [g]iven prior notification of trial court, appellate, probation and parole proceedings and, upon request, to information about the sentence, incarceration, placing on probation or release of the defendant[.]</p> <p> Idaho Code Ann. § 19-5306(5) defines the terms used in this statutory provision. These definitions are included above in the section “Select Definitions.”</p> <p> Idaho extends similar constitutional rights to victims. <i>See, e.g.</i>, Idaho Const. art. I, § 22(3) (“A crime victim, as defined by statute, has the . . . right[] [t]o prior notification of trial court, appellate and parole proceedings and, upon request, to information about the sentence, incarceration and release of the defendant.”). This constitutional provision is included above.</p> <p> A promising practice is to have a policy and procedure in place to notify victims, at the first opportunity, that victims must “request” the exercise of certain rights. Agencies should carefully maintain documentation of a victim’s request to exercise rights.</p> <p> A promising practice is to have a policy and procedure in place that enables crime victims to easily keep their contact information up-to-date across agencies.</p>	
<p>Victims’ Right to Be Heard, Upon Request, at All Criminal Justice Proceedings Considering Guilty Pleas, Sentencing, Incarceration, Probation or Release of Defendant.</p> <p>Each victim of a criminal or juvenile offense shall be . . . [h]eard, upon request, at all criminal justice proceedings considering a plea of guilty, sentencing, incarceration, placing on probation or release of the defendant unless manifest injustice would result[.]</p>	<p>Idaho Code Ann. § 19-5306(1)(e).</p>




<p> Idaho Code Ann. § 19-5306(5) defines the terms used in this statutory provision. These definitions are included above in the section “Select Definitions.”</p> <p> Idaho extends similar constitutional rights to victims. <i>See, e.g.</i>, Idaho Const. art. I, § 22(6) (“A crime victim, as defined by statute, has the . . . right[] [t]o be heard, upon request, at all criminal justice proceedings considering a plea of guilty, sentencing, incarceration or release of the defendant, unless manifest injustice would result.”). This constitutional provision is included above.</p> <p> A promising practice is to have a policy and procedure in place to notify victims, at the first opportunity, that victims must “request” the exercise of certain rights. Agencies should carefully maintain documentation of a victim’s request to exercise rights.</p> <p> A promising practice is to be familiar with the acceptable formats for victim impact statements so that victims can be informed about all of their options. Depending on your jurisdiction’s law, victims may choose to: (1) read or speak their impact statement aloud at the sentencing proceeding, or have another person do it for them; (2) submit a written victim impact statement to the court in advance of sentencing; (3) provide an impact statement using technology to facilitate remote attendance; and/or (4) play or submit an impact statement that was created using audio and video technology.</p> <p> A defendant’s filing of post-sentencing pleadings and/or the conduct of post-sentencing hearings may take place long after the victim’s initial contact with the justice system. A promising practice is to have a policy and procedure in place that enables crime victims to easily keep their contact information up-to-date across agencies.</p>	


<p>Victims' Right to Communicate with the Prosecution and to Be Advised in Advance About Any Proposed Plea Agreement in Cases Involving Crimes of Violence, Sex Crimes or Crimes Against Children.</p> <p>Each victim of a criminal or juvenile offense shall be . . . [a]fforded the opportunity to communicate with the prosecution in criminal or juvenile offenses, and be advised of any proposed plea agreement by the prosecuting attorney prior to entering into a plea agreement in criminal or juvenile offenses involving crimes of violence, sex crimes or crimes against children[.]</p> <p> Idaho Code Ann. § 19-5306(5) defines the terms used in this statutory provision. These definitions are included above in the section "Select Definitions."</p> <p> Idaho extends similar constitutional rights to victims. <i>See, e.g.</i>, Idaho Const. art. I, § 22(5) ("A crime victim, as defined by statute, has the . . . right[] [t]o communicate with the prosecution."). This constitutional provision is included above.</p>	<p>Idaho Code Ann. § 19-5306(1)(f).</p>
<p>Victims' Right to Refuse Interviews, Ex Parte Contacts or Other Requests by Defendant Unless Requests Authorized by Law.</p> <p>Each victim of a criminal or juvenile offense shall be . . . [a]llowed to refuse an interview, ex parte contact or other request by the defendant or any other person acting on behalf of the defendant, unless such request is authorized by law[.]</p> <p> Idaho Code Ann. § 19-5306(5) defines the terms used in this statutory provision. These definitions are included above in the section "Select Definitions."</p>	<p>Idaho Code Ann. § 19-5306(1)(g).</p>

<p> Idaho extends similar constitutional rights to victims. <i>See, e.g.</i>, Idaho Const. art. I, § 22(8) (“A crime victim, as defined by statute, has the . . . right[] [t]o refuse an interview, ex parte contact, or other request by the defendant, or any other person acting on behalf of the defendant, unless such request is authorized by law.”). This constitutional provision is included above.</p>	
<p>Victims’ Right to Be Consulted by Presentence Investigator During Preparation of Presentence Report; Right to Have Presentence Report Include Victim Impact Information and to Read Report Before Sentencing.</p> <p>Each victim of a criminal or juvenile offense shall be . . . [c]onsulted by the presentence investigator during the preparation of the presentence report and have included in that report a statement of the impact which the defendant’s criminal conduct had upon the victim and shall be allowed to read, prior to the sentencing hearing, the presentence report relating to the crime. The victim shall maintain the confidentiality of the presentence report, and shall not disclose its contents to any person except statements made by the victim to the prosecuting attorney or the court[.]</p> <p> Idaho Code Ann. § 19-5306(5) defines the terms used in this statutory provision. These definitions are included above in the section “Select Definitions.”</p> <p> Idaho extends similar constitutional rights to victims. <i>See, e.g.</i>, Idaho Const. art. I, § 22(9) (“A crime victim, as defined by statute, has the . . . right[] [t]o read presentence reports relating to the crime.”). This constitutional provision is included above.</p>	<p>Idaho Code Ann. § 19-5306(1)(h).</p>
<p>Victims’ Right to Expeditious Return of Property.</p>	<p>Idaho Code Ann. § 19-5306(1)(i).</p>

<p>Each victim of a criminal or juvenile offense shall be . . . [a]ssured the expeditious return of any stolen or other personal property by law enforcement agencies when no longer needed as evidence[.]</p> <p> Idaho Code Ann. § 19-5306(5) defines the terms used in this statutory provision. These definitions are included above in the section “Select Definitions.”</p> <p> It is a promising practice to have a policy and procedure in place to ensure that victims’ property is returned to them expeditiously, once it is no longer needed for evidentiary purposes. Instructions should be ready and available to provide to victims, explaining how they may promptly obtain their property, in addition to the name of a person they may contact to check the status of the return.</p> <p> A promising practice is to have a policy in place to establish what constitutes “expeditious return” of the victim’s personal property.</p>	
<p>Victims’ Right to Notice of Defendant’s Release or Escape.</p> <p>Each victim of a criminal or juvenile offense shall be . . . [n]otified whenever the defendant or suspect is released or escapes from custody. When release is ordered prior to final conviction, notice to the victim shall be given by the law enforcement authority from whose custody the defendant was released. When the release is granted subsequent to a final conviction, notice shall be given to the victim by the law enforcement authority from whose custody the defendant was released unless release is granted by the commission of pardons and parole, in which case the commission shall notify the victim. When a release on probation is being considered following a period of retained jurisdiction, notice of the hearing shall be given to the victim by the prosecuting attorney.</p>	<p>Idaho Code Ann. § 19-5306(1)(j).</p>

<p> Idaho Code Ann. § 19-5306(5) defines the terms used in this statutory provision. These definitions are included above in the section “Select Definitions.”</p> <p> Idaho extends similar constitutional rights to victims. <i>See, e.g.</i>, Idaho Const. art. I, § 22(3) (“A crime victim, as defined by statute, has the . . . right[] [t]o prior notification of trial court, appellate and parole proceedings and, upon request, to information about the sentence, incarceration and release of the defendant.”). This constitutional provision is included above.</p> <p> A promising practice is to have a policy and procedure in place that enables crime victims to easily keep their contact information up-to-date across agencies.</p>	
<p>Prosecutor’s Duty to Provide Victim with Information About Rights; Victim May Exercise Rights by Completing Written Request on Form Provided by Prosecutor to the District Court Clerk; Clerk to Notify Authorities of Victim’s Requests; Notice to Be Given to Victim at Address Provided; Victim’s Address to Be Kept Confidential by Court.</p> <p>Upon the filing of a criminal complaint or juvenile petition, the prosecuting attorney shall inform the victim of the various opportunities provided by this section. The victim may exercise any of the rights provided by this section by completing a written request on a form provided by the prosecuting attorney to the clerk of the district court. The clerk thereafter shall notify the appropriate authorities of the victim’s requests. Notice thereafter shall be given to the victim at the address provided unless the victim subsequently provides a different address. The victim’s address shall be kept confidential by the court except for carrying out the provisions of this chapter.</p> <p> Idaho Code Ann. § 19-5306(5) defines the terms used in this statutory provision.</p>	<p>Idaho Code Ann. § 19-5306(2).</p>

<p>These definitions are included above in the section “Select Definitions.”</p> <p> A promising practice is to have a policy and procedure ensuring that victims receive all required information at the earliest possible time. Consideration should be given to providing written information in the primary language of the victim, as well as in a form accessible to those with vision impairment.</p> <p> A promising practice is to have a policy and procedure in place that enables crime victims to easily keep their contact information up-to-date across agencies.</p>	
<p>Victims’ Rights Apply to Family Members of Homicide Victims and Immediate Family Members of Child-Victims and Incapacitated Adults; Court May Designate Representative to Exercise Rights of Deceased, Incapacitated or Child-Victims.</p> <p>The provisions of this section shall apply equally to the immediate families of homicide victims or immediate families of victims of such youthful age or incapacity as precludes them from exercising these rights personally. The court may designate a representative from the immediate family to exercise these rights on behalf of a deceased, incapacitated, or minor victim.”).</p> <p> Idaho Code Ann. § 19-5306(5) defines the terms used in this statutory provision. These definitions are included above in the section “Select Definitions.”</p>	<p>Idaho Code Ann. § 19-5306(3).</p>
<p>Victims’ Rights Do Not Authorize a Court to Dismiss Case, Set Aside/Void Finding of Guilt or Acceptance of Guilty Plea, to Obtain Relief from Judgment; Do Not Create Cause of Action Against Government Entities or Persons; Do Not Limit Rights</p>	<p>Idaho Code Ann. § 19-5306(4).</p>

<p>Already Conferred by Statute; Do Not Require Court Appointment of Legal Counsel or Payment of Transportation Costs.</p> <p>Nothing in this section shall be construed to authorize a court to dismiss a case, to set aside or void a finding of guilt or an acceptance of a plea of guilty, or to obtain appellate, habeas corpus, or other relief from any criminal judgment, for a violation of the provisions of this section; nor be construed as creating a cause of action for money damages, costs or attorney's fees against the state, a county, a municipality, any agency, instrumentality or person; nor be construed as limiting any rights for victims previously conferred by statute; nor be construed to require the court appointment of legal counsel or the payment of transportation costs.</p> <p> Idaho Code Ann. § 19-5306(5) defines the terms used in this statutory provision. These definitions are included above in the section "Select Definitions."</p>	
<p>Victims' Right to Restitution; Court to Order Convicted Defendants to Pay Restitution to Victims for Economic Losses Resulting from the Crime Unless Court Determines Restitution Inappropriate or Undesirable; If Court Does Not Order Restitution for Some or All of a Victim's Loss, Must Articulate Reasons on the Record; Economic Loss Shall Be Based on Preponderance of Evidence Submitted to Court by the Victim, Prosecutor, Defendant or Presentence Investigator; Restitution Order Does Not Preclude Victim from Seeking Other Legal Remedies.</p> <p>(2) Unless the court determines that an order of restitution would be inappropriate or undesirable, it shall order a defendant found guilty of any crime which results in an economic loss to the victim to make restitution to the victim. An order of restitution shall be a separate written order in addition to any other sentence the court may impose, including incarceration, and may be complete, partial, or nominal. The court may also include restitution as a term and condition of judgment of conviction; however, if a court orders restitution in the judgment of conviction and in a separate written order, a defendant shall not be required to</p>	<p>Idaho Code Ann. § 19-5304(2)–(14).</p>

make restitution in an amount beyond that authorized by this chapter. Restitution shall be ordered for any economic loss which the victim actually suffers. The existence of a policy of insurance covering the victim's loss shall not absolve the defendant of the obligation to pay restitution.

(3) If the court determines that restitution is inappropriate or undesirable or if only partial or nominal restitution is ordered, it shall enter an order articulating the reasons therefor on the record.

(4) If a separate written order of restitution is issued, an order of restitution shall be for an amount certain and shall be due and owing at the time of sentencing or at the date the amount of restitution is determined, whichever is later. An order of restitution may provide for interest from the date of the economic loss or injury.

(5) The court may order the defendant to pay restitution to the victim in any case, regardless of whether the defendant is incarcerated or placed on probation. The court may order the defendant to pay all or a part of the restitution ordered to the court to be distributed by the court to the victims in a manner the court deems just.

(6) Restitution orders shall be entered by the court at the time of sentencing or such later date as deemed necessary by the court. Economic loss shall be based upon the preponderance of evidence submitted to the court by the prosecutor, defendant, victim or presentence investigator. Each party shall have the right to present such evidence as may be relevant to the issue of restitution, and the court may consider such hearsay as may be contained in the presentence report, victim impact statement or otherwise provided to the court.

(7) The court, in determining whether to order restitution and the amount of such restitution, shall consider the amount of economic loss sustained by the victim as a result of the offense, the financial resources, needs and earning ability of the defendant, and such other factors as the court deems appropriate. The immediate inability to pay restitution by a defendant shall not be, in and of itself, a reason to not order restitution.

(8) In determining restitution, where it appears that more than one (1) person is responsible for a crime that results in economic loss to a victim, and one (1) or more of the suspects or defendants are not found, apprehended, charged, convicted or ordered to pay restitution, the court may require the remaining defendant or defendants, who are convicted of or plead guilty to the crime, to be jointly and severally responsible for the entire economic loss to the victim.

(9) The court may, with the consent of the parties, order restitution to victims, and/or any other person or entity, for economic loss or injury for crimes which are not adjudicated or are not before the court.





(10) A defendant, against whom a restitution order has been entered, may, within forty-two (42) days of the entry of the order of restitution, request relief from the restitution order in accordance with the Idaho rules of civil procedure relating to relief from final orders.




(11) An order of restitution shall not preclude the victim from seeking any other legal remedy.


(12) Every presentence report shall include a full statement of economic loss suffered by the victim or victims of the defendant's crime or crimes.

(13) If there is more than one (1) victim, the restitution order shall provide that the directly injured victim(s) be fully compensated for so much of the loss caused by the defendant's criminal conduct which has not been paid by a third party, including persons referred to in subsection (1)(e)(ii), (iii) and (iv) of this section.

(14) When a person is found guilty of violating section 18-8007, Idaho Code, the court, in addition to any other sentence imposed, may order the person to pay to any victim an amount of money equal to the amount of that victim's economic loss caused by the person as a result of the incident that created the duties as provided in section 18-8007, Idaho Code.

<p> Idaho Code Ann. § 19-5304(1) defines the terms used in this statutory provision. These definitions are included above in the section “Select Definitions.”</p> <p> Idaho extends similar constitutional rights to victims. <i>See, e.g.</i>, Idaho Const. art. I, § 22(7) (“A crime victim, as defined by statute, has the . . . right[] [t]o restitution, as provided by law, from the person committing the offense that caused the victim’s loss.”). This constitutional provision is included above. Other statutes provide for restitution rights for victims of specific crimes. <i>See, e.g.</i>, Idaho Code Ann. § 18-6106 (court may order restitution on behalf of victims of rape for “specific costs incurred by the victim as a result of injury or loss caused by the criminal act”). This statutory provision is not included in this document.</p> <p> A promising practice is to inform victims that they are entitled to restitution upon the conviction of defendant for losses caused by defendant’s criminal conduct. Assisting victims with the documentation of their losses—including anticipated future expenses—is recommended from the earliest moments of the case.</p>	
<p>Court to Order Defendant to Pay Restitution to the Victims as Ordered by the District Court or Magistrate Division.</p> <p>If a district court or a magistrate division orders the defendant to pay restitution, the court shall order the defendant to pay such restitution to the victim or victims injured by the defendant’s action.</p> <p> Idaho Code Ann. § 19-5304(1) defines the terms used in this statutory provision. These definitions are included above in the section “Select Definitions.”</p>	<p>Idaho Code Ann. § 19-5302.</p>

<p> Idaho extends similar constitutional rights to victims. <i>See, e.g.</i>, Idaho Const. art. I, § 22(7) (“A crime victim, as defined by statute, has the . . . right[] [t]o restitution, as provided by law, from the person committing the offense that caused the victim’s loss.”). This constitutional provision is included above.</p> <p> A promising practice is to inform victims that they are entitled to restitution upon the conviction of defendant for losses caused by defendant’s criminal conduct. Assisting victims with the documentation of their losses—including anticipated future expenses—is recommended from the earliest moments of the case.</p>	
<p>Costs of Medical Examinations Directed or Authorized by Law Enforcement to Be Paid by Law Enforcement; Costs of Forensic or Medical Exams for Victims of Sexual Assault to Be Paid from the Crime Victims Compensation Account.</p> <p>When the victim of any crime is directed or authorized by a law enforcement agency to obtain a medical examination for the purpose of procuring evidence for use by a law enforcement agency in the investigation or prosecution of the crime, the expense incurred shall be paid by the law enforcement agency. Provided however, the cost of forensic and/or medical examinations of alleged victims of sexual assault shall be paid for from the crime victims compensation account, as established by section 72-1009, Idaho Code. The provisions of this section shall not be construed to require a law enforcement agency to bear the expense of any medical treatment of the victim.</p> <p> Idaho Code Ann. § 19-5304(1) defines the terms used in this statutory provision. These definitions are included above in the section “Select Definitions.”</p>	<p>Idaho Code Ann. § 19-5303.</p>

<p>Order of Restitution to Be Recorded as Judgment; Victim May Execute Judgment as Provided by Law for Civil Judgments; District Court Clerk May Act to Collect Restitution on the Victim’s Behalf.</p> <p>(1) After forty-two (42) days from the entry of the order of restitution or at the conclusion of a hearing to reconsider an order of restitution, whichever occurs later, an order of restitution may be recorded as a judgment and the victim may execute as provided by law for civil judgments.</p> <p>(2) The clerk of the district court may take action to collect on the order of restitution on behalf of the victim and, with the approval of the administrative district judge, may use the procedures set forth in section 19-4708, Idaho Code, for the collection of the restitution.</p> <p> Idaho Code Ann. § 19-5304(1) defines the terms used in this statutory provision. These definitions are included above in the section “Select Definitions.”</p>	<p>Idaho Code Ann. § 19-5305.</p>
<p>Court May Impose Additional Fine Against Defendant Convicted of Certain Felonies; Fine to Act as Civil Judgment Entered on Behalf of the Victim; District Court Clerk May Collect the Fine in Same Manner as Other Fines and Remit Money Collected to the Victim.</p> <p>(1) Irrespective of any penalties set forth under state law, and in addition thereto, the court, at the time of sentencing or such later date as deemed necessary by the court, may impose a fine not to exceed five thousand dollars (\$5,000) against any defendant found guilty of any felony listed in subsections (2) and (3) of this section.</p> <p>The fine shall operate as a civil judgment against the defendant and shall be entered on behalf of the victim named in the indictment or information, or the family of the victim in cases of homicide or crimes against children, and shall not be subject to any distribution otherwise required in section 19-4705, Idaho Code. The clerk of the district court may collect the fine in the same manner as other fines imposed in criminal cases are collected</p>	<p>Idaho Code Ann. § 19-5307.</p>


and shall remit any money collected in payment of the fine to the victim named in the indictment or information or to the family of the victim in a case of homicide or crimes against minor children, provided that none of the provisions of this section shall be construed as modifying the provisions of chapter 6, title 11, Idaho Code, chapter 10, title 55, Idaho Code, or section 72-802, Idaho Code. A fine created under this section shall be a separate written order in addition to any other sentence the court may impose.

The fine contemplated in this section shall be ordered solely as a punitive measure against the defendant and shall not be based upon any requirement of showing of need by the victim. The fine shall not be used as a substitute for an order of restitution as contemplated in section 19-5304, Idaho Code, nor shall such an order of restitution or order of compensation entered in accordance with section 72-1018, Idaho Code, be offset by the entry of such fine.

A defendant may appeal a fine created under this section in the same manner as any other aspect of a sentence imposed by the court. The imposition of a fine created under this section shall not preclude the victim from seeking any other legal remedy; provided that in any civil action brought by or on behalf of the victim, the defendant shall be entitled to offset the amount of any fine imposed pursuant to this section against any award of punitive damages.

(2) The felonies for which a fine created under this section may be imposed are those described in:

- Section 18-805, Idaho Code (Aggravated arson);
- Section 18-905, Idaho Code (Aggravated assault);
- Section 18-907, Idaho Code (Aggravated battery);
- Section 18-909, Idaho Code (Assault with intent to commit a serious felony);
- Section 18-911, Idaho Code (Battery with intent to commit a serious felony);
- Section 18-913, Idaho Code (Felony administration of drugs);
- Section 18-918, Idaho Code (Felony domestic violence);
- Section 18-923, Idaho Code (Attempted strangulation);
- Section 18-1501, Idaho Code (Felony injury to children);
- Section 18-1506, Idaho Code (Sexual abuse of a child under the age of sixteen);


<p>Section 18-1506A, Idaho Code (Ritualized abuse of a child); Section 18-1506B, Idaho Code (Female genital mutilation of a child); Section 18-1506C, Idaho Code (Vulnerable child protection); Section 18-1507, Idaho Code (Sexual exploitation of a child); Section 18-1508, Idaho Code (Lewd conduct with a child under the age of sixteen); Section 18-1508A, Idaho Code (Sexual battery of a minor child sixteen or seventeen years of age); Section 18-4001, Idaho Code (Murder); Section 18-4006, Idaho Code (Felony manslaughter); Section 18-4014, Idaho Code (Administering poison with intent to kill); Section 18-4015, Idaho Code (Assault with intent to murder); Section 18-4502, Idaho Code (First degree kidnapping); Section 18-5001, Idaho Code (Mayhem); Section 18-5501, Idaho Code (Poisoning food, medicine or wells); Section 18-6101, Idaho Code (Rape); Section 18-6501, Idaho Code (Robbery). (3) Notwithstanding the provisions of section 18-306(4) and (5), Idaho Code, the fine created under this section may also be imposed up to five thousand dollars (\$5,000) for attempts of the felonies described in: Section 18-4001, Idaho Code (Murder); Section 18-6101, Idaho Code (Rape).</p> <p> Idaho Code Ann. § 19-5304(1) defines the terms used in this statutory provision. These definitions are included above in the section “Select Definitions.”</p>	
<p>All People or Entities Who Contract with an Accused or Convicted Person or Their Representative Regarding a Reenactment of or to Share Any Information Regarding the Crime to Pay Money to the State Treasurer Instead; State Treasurer to Deposit Money in Escrow Account for the Benefit of Victims of the Crime.</p>	<p>Idaho Code Ann. § 19-5301.</p>


(1) Every person, firm, corporation, partnership, association or other legal entity contracting with any person or the representative or assignee of any person, accused of a crime in this state, with respect to the reenactment of such crime, by way of a movie, book, magazine article, radio or television presentation, live entertainment of any kind, or from the expression of such person's thoughts, feelings, opinions or emotions regarding such crime, shall pay over to the state treasurer any moneys which would otherwise, by terms of such contract, be owing to the person so convicted or his representatives. The state treasurer shall deposit such moneys in an escrow account for the benefit of and payable to any victim of crimes committed by such person, provided that such person is eventually convicted of the crime or is acquitted on the ground of mental disease or defect excluding responsibility and provided further that such victim, or his personal representative, within five (5) years of the date the escrow account has been established, brings a civil action in a court of competent jurisdiction and recovers a money judgment against such person or his representatives.


(2) The state treasurer, at least once every six (6) months for five (5) years from the date it receives such moneys, shall cause to have published a legal notice in newspapers of general circulation in the county of the state where the crime was committed advising such victims that such escrow moneys are available to satisfy money judgments pursuant to this section.


(3) Upon disposition of charges favorable to any person accused of committing a crime, or upon a showing by such person that five (5) years have elapsed from the establishment of such escrow account and further that no actions are pending against such person, pursuant to this section the board shall immediately pay over any moneys in the escrow account to such person.



(4) Notwithstanding the foregoing provisions of this section the state treasurer shall make payments from an escrow account to any person accused of crime upon the order of a court of competent jurisdiction after a showing by such person that such moneys shall be used for the exclusive purpose of retaining legal representation at any stage of the proceedings against such person, including the appeals process.



<p>(5) Any action taken by any person convicted of a crime, whether by way of execution of a power of attorney, creation of corporate entities or otherwise, to defeat the purpose of this section shall be null and void as against the public policy of this state.</p> <p>(6) The state treasurer may invest the moneys in any escrow account hereunder in any United States government notes or securities.</p> <p>(7) The attorney general or any other person may bring an action in a court of competent jurisdiction to require the deposit of moneys in an escrow account as provided in this section.</p> <p> Idaho Code Ann. § 19-5304(1) defines the terms used in this statutory provision. These definitions are included above in the section “Select Definitions.”</p>	
<p>Sentencing Proceedings in Death Penalty Cases Involving Convictions for First Degree Murder; Information About the Victim and the Impact of the Crime on the Victim’s Family Relevant and Admissible.</p> <p>If a person is adjudicated guilty of murder in the first degree, whether by acceptance of a plea of guilty, by verdict of a jury, or by decision of the trial court sitting without a jury, and a notice of intent to seek the death penalty was filed and served as provided in section 18-4004A, Idaho Code, a special sentencing proceeding shall be held promptly for the purpose of hearing all relevant evidence and arguments of counsel in aggravation and mitigation of the offense. Information concerning the victim and the impact that the death of the victim has had on the victim’s family is relevant and admissible. Such information shall be designed to demonstrate the victim’s uniqueness as an individual human being and the resultant loss to the community by the victim’s death.</p>	<p>Idaho Code Ann. § 19-2515(5)(a).</p>


<p>Child Called as Witness in Criminal Matter Entitled to Accompaniment by Support Person; Child-Witnesses May Also be Accompanied by Facility Dog at Witness Stand.</p> <p>(1) When a child is summoned as a witness in any hearing in any criminal matter, including any preliminary hearing, notwithstanding any other statutory provision, parents, a counselor, friend or other person having a supportive relationship with the child, or a facility dog, shall be allowed to remain in the courtroom at the witness stand with the child during the child’s testimony unless in written findings made and entered, the court finds that the defendant’s constitutional right to a fair trial will be unduly prejudiced.</p> <p>(2) When a child is summoned as a witness in any hearing in a noncriminal matter that involves the abuse, neglect or abandonment of the child, including any preliminary hearing, notwithstanding any other statutory provision, a facility dog shall be allowed to remain in the courtroom at the witness stand with the child during the child’s testimony.</p> <p> Idaho Code Ann. § 19-3032(3) defines “facility dog” as that term is used in this statutory provision. This definition is included above in the section “Select Definitions.”</p>	<p>Idaho Code Ann. § 19-3023(1)–(2).</p>
<p>Court Shall Not Order Victims to Submit to Psychiatric or Psychological Examinations to Assess Credibility Without Agreement of the Parties.</p> <p>Except upon the agreement of the parties, the court shall not order a witness in a prosecution for any offense or a victim of any offense to submit to a psychiatric or psychological examination for the purpose of assessing the witness’s or victim’s credibility.</p>	<p>Idaho Code Ann. § 19-3025.</p>

<p>Uniform Child Witness Testimony by Alternative Methods Act; Application to Noncriminal Proceedings Involving Conduct that Would Constitute a Violation of Criminal Law; Testimony by Child Witness May Be Conducted in a Closed Forum.</p> <p>This chapter applies to the testimony of child witnesses in all criminal or noncriminal proceedings. However, this chapter does not preclude, in a noncriminal proceeding, any other procedure permitted by law for a child witness to testify, or in a juvenile courtroom proceeding involving conduct that if engaged in by an adult would constitute a violation of a criminal law of this state, testimony by a child witness in a closed forum as may be authorized or required by law.</p> <p> Idaho Code Ann. § 9-1802 defines the terms in this statutory provision. These definitions are included above in the section “Select Definitions.”</p>	<p>Idaho Code Ann. § 9-1803.</p>
<p>Presiding Officer of Criminal and Noncriminal Proceedings May Order Hearing to Determine Whether to Allow Alternative Method of Testimony of Child Witnesses; Hearing on Record with Notice to all Parties.</p> <p>(1) The presiding officer of a criminal or noncriminal proceeding may order a hearing to determine whether to allow presentation of the testimony of a child witness by an alternative method. The presiding officer, for good cause shown, shall order the hearing upon motion of a party, a child witness, or an individual determined by the presiding officer to have sufficient standing to act on behalf of the child.</p> <p>(2) A hearing to determine whether to allow presentation of the testimony of a child witness by an alternative method must be conducted on the record after reasonable notice to all parties, any nonparty movant, and any other person the presiding officer specifies. The child’s presence is not required at the hearing unless ordered by the presiding officer. In conducting the hearing, the presiding officer is not bound by rules of evidence, except for the rules of privilege.</p>	<p>Idaho Code Ann. § 9-1804.</p>

<p> Idaho Code Ann. § 9-1802 defines the terms in this statutory provision. These definitions are included above in the section “Select Definitions.”</p>	
<p>Findings Required for Presiding Officer to Order Alternative Method of Testimony by Child Witness in Criminal and Noncriminal Proceedings.</p> <p>(1) In a criminal proceeding, the presiding officer may order the presentation of the testimony of a child witness by an alternative method only in the following situations:</p> <p>(a) A child witness’ testimony may be taken otherwise than in an open forum in the presence and full view of the finder of fact if the presiding officer finds by clear and convincing evidence that the child would suffer serious emotional trauma that would substantially impair the child’s ability to communicate with the finder of fact if required to testify in the open forum.</p> <p>(b) A child witness’ testimony may be taken other than in a face-to-face confrontation between the child and a defendant if the presiding officer finds by clear and convincing evidence that the child would suffer serious emotional trauma that would substantially impair the child’s ability to communicate with the finder of fact if required to be confronted face-to-face by the defendant.</p> <p>(2) In a noncriminal proceeding, the presiding officer may order the presentation of the testimony of a child witness by an alternative method if the presiding officer finds by a preponderance of the evidence that presenting the testimony of the child by an alternative method is necessary to serve the best interests of the child or enable the child to communicate with the finder of fact. In making this finding, the presiding officer shall consider:</p> <p>(a) The nature of the proceeding;</p> <p>(b) The age and maturity of the child;</p> <p>(c) The relationship of the child to the parties in the proceeding;</p> <p>(d) The nature and degree of emotional trauma that the child may suffer in testifying; and</p>	<p>Idaho Code Ann. § 9-1805.</p>

<p>(e) Any other relevant factor.</p> <p> Idaho Code Ann. § 9-1802 defines the terms in this statutory provision. These definitions are included above in the section “Select Definitions.”</p>	
<p>Standard Met to Allow Alternative Method of Testimony by Child Witness; Additional Considerations for Presiding Officer.</p> <p>If the presiding officer determines that a standard under section 9-1805, Idaho Code, has been met, the presiding officer shall determine whether to allow the presentation of the testimony of a child witness by an alternative method and in doing so shall consider:</p> <ul style="list-style-type: none"> (1) Alternative methods reasonably available; (2) Available means for protecting the interests of or reducing emotional trauma to the child without resort to an alternative method; (3) The nature of the case; (4) The relative rights of the parties; (5) The importance of the proposed testimony of the child; (6) The nature and degree of emotional trauma that the child may suffer if an alternative method is not used; and (7) Any other relevant factor. <p> Idaho Code Ann. § 9-1802 defines the terms in this statutory provision. These definitions are included above in the section “Select Definitions.”</p>	<p>Idaho Code Ann. § 9-1806.</p>
<p>Requirements for Court Order Regarding Testimony of Child Witness by Alternative Method.</p>	<p>Idaho Code Ann. § 9-1807.</p>

<p>(1) An order allowing or disallowing the presentation of the testimony of a child witness by an alternative method must state the findings of fact and conclusions of law that support the presiding officer’s determination.</p> <p>(2) An order allowing the presentation of the testimony of a child witness by an alternative method must state:</p> <ul style="list-style-type: none"> (a) The method by which the testimony is to be presented; (b) A list, individually or by category, of the persons either allowed to be present or required to be excluded during the taking of the testimony of the child; (c) Any special conditions necessary to facilitate a party’s right to examine or cross-examine the child; (d) Any condition or limitation upon the participation of persons present during the taking of the testimony of the child; and (e) Any other condition necessary for taking or presenting the testimony. <p>(3) The alternative method ordered by the presiding officer must be no more restrictive of the rights of the parties than is necessary under the circumstances to serve the purposes of the order.</p> <p> Idaho Code Ann. § 9-1802 defines the terms in this statutory provision. These definitions are included above in the section “Select Definitions.”</p>	
<p>Crime Victims’ Right to Apply for Compensation.</p> <p>An applicant for an award of compensation may apply in writing in a form that conforms substantially to that prescribed by the commission.</p> <p> Idaho Code Ann. § 72-1003 defines the terms in this statutory provision. These definitions are included above in the section “Select Definitions.”</p>	<p>Idaho Code Ann. § 72-1012.</p>

<p> Idaho's Crime Victim Compensation Act includes a number of statutory provisions detailing, among other things, what types of expenses are compensable and how and when a victim may apply. <i>See, e.g.</i>, Idaho Code Ann. § 72-1006 (in addition to compensation award, attorney fees may be paid for representing claimants before the commission; amount of attorney fees may not be “in excess of five percent (5%) of the amount paid to a claimant or on his behalf be paid directly or indirectly to a claimant’s attorney”); Idaho Code Ann. § 72-1016 (claim to be filed within one year after the criminal conduct occurred, cooperation with investigation and prosecution required; exceptions for good cause shown); Idaho Code Ann. § 72-1018 (preponderance of evidence standard for compensation benefit awards; prosecution or conviction not required). Some of these statutory provisions are included below.</p>	
<p>When Compensation Claim Must Be Filed; Reporting and Cooperation Requirements with Law Enforcement and Prosecuting Attorney; Basis for Denials of Claims; Exceptions for Good Cause Shown.</p> <p>(1) Compensation may not be awarded unless the claim is filed with the commission within one (1) year after the day the criminally injurious conduct occurred causing the injury or death upon which the claim is based. The time for filing a claim may be extended by the commission for good cause shown.</p> <p>(2) Compensation may not be awarded to a claimant who is the offender or an accomplice of the offender or to any claimant if the award would unjustly benefit the offender or accomplice.</p> <p>(3) Compensation may not be awarded unless the criminally injurious conduct resulting in injury or death was reported to a law enforcement officer within seventy-two (72) hours after its occurrence or the commission finds there was good cause for the failure to report within that time.</p>	<p>Idaho Code Ann. § 72-1016.</p>


(4) In order to be entitled to benefits under this chapter, a claimant must fully cooperate with all law enforcement agencies and prosecuting attorneys in the apprehension and prosecution of the offender causing the criminally injurious conduct. The commission, upon finding that the claimant or victim has not fully cooperated with appropriate law enforcement agencies or prosecuting attorneys, may deny or reconsider and reduce an award of compensation.



(5) Subject to the limitations on payments for the costs of forensic and medical examinations of alleged victims of sexual assault described in section 72-1019(2), Idaho Code, compensation otherwise payable to a claimant shall be reduced or denied to the extent the compensation benefits payable are or can be recouped from collateral sources.


(6) Persons serving a sentence of imprisonment or residing in any other public institution that provides for the maintenance of such persons are not entitled to the benefits of this chapter.

(7)(a) Compensation may be denied or reduced if the victim contributed to the infliction of death or injury with respect to which the claim is made. Any reduction in benefits under this paragraph shall be in proportion to what the commission finds to be the victim's contribution to the infliction of death or injury.

(b) Compensation otherwise payable to a claimant shall be reduced by fifty percent (50%) if at the time the injury was incurred the claimant was engaged in a felony or was in violation of section 18-8004 or 67-7034, Idaho Code, and compensation otherwise payable may be further reduced pursuant to regulation of the industrial commission if the claimant's actions contributed to the injury.

 Idaho Code Ann. § 72-1003 defines the terms in this statutory provision. These definitions are included above in the section "Select Definitions."


<p> Idaho's Crime Victim Compensation Act includes a number of statutory provisions detailing, among other things, what types of expenses are compensable and how and when a victim may apply. <i>See, e.g.</i>, Idaho Code Ann. § 72-1012 (victims' right to file compensation claim); Idaho Code Ann. § 72-1006 (in addition to compensation award, attorney fees may be paid for representing claimants before the commission; amount of attorney fees may not be "in excess of five percent (5%) of the amount paid to a claimant or on his behalf be paid directly or indirectly to a claimant's attorney"); Idaho Code Ann. § 72-1018 (preponderance of evidence standard for compensation benefit awards; prosecution or conviction not required). Some of these statutory provisions are included above and below.</p>	
<p>Compensation Benefits to Be Awarded if Claimant Meets Preponderance of the Evidence Standard; Compensation Award Does Not Require Prosecution or Conviction.</p> <p>(1) The commission shall award compensation benefits under this chapter, if satisfied by a preponderance of the evidence that the requirements for compensation have been met.</p> <p>(2) An award may be made whether or not any person is prosecuted or convicted. Proof of conviction of a person whose acts give rise to a claim is conclusive evidence that the crime was committed unless an application for rehearing or an appeal of the conviction is pending or a rehearing or new trial has been ordered.</p> <p>(3) The commission may suspend the proceedings pending disposition of a criminal prosecution that has been commenced or is imminent and may make a tentative award under section 72-1017, Idaho Code.</p> <p> Idaho Code Ann. § 72-1003 defines the terms in this statutory provision. These definitions are included above in the section "Select Definitions."</p>	<p>Idaho Code Ann. § 72-1018.</p>


<p> Idaho's Crime Victim Compensation Act includes a number of statutory provisions detailing, among other things, what types of expenses are compensable and how and when a victim may apply. <i>See, e.g.</i>, Idaho Code Ann. § 72-1012 (victims' right to file compensation claim); Idaho Code Ann. § 72-1006 (in addition to compensation award, attorney fees may be paid for representing claimants before the commission; amount of attorney fees may not be "in excess of five percent (5%) of the amount paid to a claimant or on his behalf be paid directly or indirectly to a claimant's attorney"); Idaho Code Ann. § 72-1016 (claim to be filed within one year after the criminal conduct occurred, cooperation with investigation and prosecution required; exceptions for good cause shown). Some of these statutory provisions are included above.</p>	
<p>Address Confidentiality for Victims of Domestic Violence, Stalking, Sexual Assault, Human Trafficking and Malicious Harassment; Requirements for Application; Secretary of State to Certify.</p> <p>(1) An adult person, a parent or a guardian acting on behalf of a minor, or a guardian appointed pursuant to section 15-5-304, Idaho Code, acting on behalf of an incapacitated person, may apply to the secretary of state to have an address designated by the secretary of state serve as the person's address or the address of the minor or incapacitated person. The secretary of state shall approve an application if it is filed in the manner and on the form prescribed by the secretary of state and if it contains:</p> <p>(a) A sworn statement by the applicant that the applicant has good reason to believe:</p> <p>(i) That the applicant, or the minor or incapacitated person on whose behalf the application is made, is a victim of domestic violence, stalking, rape or malicious harassment, or any other crime listed in section 19-5701, Idaho Code; and</p> <p>(ii) That the applicant fears for his or her safety or his or her children's safety, or the safety of the minor or incapacitated person on whose behalf the application is made;</p> <p>(b) A designation of the secretary of state as agent for purposes of service of process and for the purpose of receipt of mail;</p>	<p>Idaho Code Ann. § 19-5703.</p>


<p>(c) The mailing address where the applicant can be contacted by the secretary of state, and the telephone number or numbers where the applicant can be called by the secretary of state; and</p> <p>(d) The address or addresses that the applicant requests not be disclosed.</p> <p>(2) If the applicant alleges that the basis for the application is that the applicant, or the minor or incapacitated person on whose behalf the application is made, is a victim of domestic violence, sexual assault or human trafficking, the application must be accompanied by evidence including, but not limited to, any of the following:</p> <p>(a) Police, court, or other government agency records or files;</p> <p>(b) Documentation from a domestic violence or sexual assault program or facility if the person is alleged to be a victim of domestic violence, sexual assault or human trafficking;</p> <p>(c) Documentation from a legal, clerical, medical or other professional from whom the applicant or person on whose behalf the application is made has sought assistance in dealing with the alleged domestic violence, sexual assault or human trafficking; and</p> <p>(d) A certified copy of a no contact order or a temporary or permanent civil protection order.</p> <p>(3) If the applicant alleges that the basis for the application is that the applicant, or the minor or incapacitated person on whose behalf the application is made, is a victim of stalking or malicious harassment, the application must be accompanied by evidence including, but not limited to, any of the following:</p> <p>(a) Police, court or other government agency records or files;</p> <p>(b) Documentation from a legal, clerical, medical or other professional from whom the applicant or person on whose behalf the application is made has sought assistance in dealing with the alleged stalking or malicious harassment; and</p> <p>(c) A certified copy of a no contact order or a temporary or permanent civil protection order.</p> <p>(4) Applications shall be filed with the office of the secretary of state.</p>	
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(5) Upon filing a properly completed application, the secretary of state shall certify the applicant as a program participant. Applicants shall be certified for four (4) years following the date of filing unless the certification is withdrawn or invalidated before that date. The application may be renewed at the end of four (4) years.

(6) A person who falsely attests in an application that disclosure of the applicant's address would endanger the applicant's safety or the safety of the applicant's children, or the minor or incapacitated person on whose behalf the application is made, or who knowingly provides false or incorrect information upon making an application, shall be punishable under section 18-5414, Idaho Code, or other applicable statutes.

 Idaho Code Ann. § 19-5702 defines the terms in this statutory provision. These definitions are included above in the section "Select Definitions."

 Idaho's Address Confidentiality for Victims of Violence Act includes a number of statutory provisions detailing, among other things, the duty of state and local agencies to keep confidential the addresses of program participants. *See, e.g.*, Idaho Code Ann. § 19-5701 (describing purpose of program "to enable state and local agencies to respond to requests for public records without disclosing the location of a victim of domestic violence, sexual assault, malicious harassment, human trafficking or stalking, to enable interagency cooperation with the secretary of state in providing address confidentiality for victims of domestic violence, sexual assault, malicious harassment, human trafficking or stalking, and to enable state and local agencies to accept a program participant's use of an address designated by the secretary of state as a substitute mailing address"); Idaho Code Ann. § 19-5704 (describing grounds for cancellation of program participant's certification); Idaho Code Ann. § 19-5705 (describing when state and local agencies may use other than the designated address of a program participant); Idaho Code Ann. § 19-5706 (prohibiting disclosure of records in a program participant's file except under narrow circumstances in response to a public records request). These statutory provisions are not included in this document.

<p>Domestic Violence and Sexual Assault Program Employee/Volunteer-Victim Communications; Communications Protected by Privilege.</p> <p>There are particular relations in which it is the policy of the law to encourage confidence and to preserve it inviolate; therefore, a person cannot be examined as a witness in the following cases:</p> <p>...</p> <p>A person employed by or volunteering at a nongovernmental domestic or sexual violence program shall not, without the written and signed consent of the recipient of services, be required to or compelled to disclose any communication made between the person in the course of employment or volunteer services for the domestic or sexual violence program and a recipient of the program's services or to disclose information or records about a recipient of the services of a domestic or sexual violence program, provided that disclosure of communications during or as part of court proceedings is subject to the rules of the Idaho supreme court. The provisions of this subsection shall not apply to communications made to a provider or employee during medical services, medical procedures, medical exams, medical evaluations, or forensic interviews.</p> <p> Idaho Code Ann. § 9-203(10) defines the terms in this statutory provision. These definitions are included above in the section "Select Definitions."</p>	<p>Idaho Code Ann. § 9-203(9).</p>
<p>Crime Victims' Right to Interpreter During Proceedings; Costs to Be Paid Out of District Court's Fund.</p> <p>In any civil or criminal action in which any witness or a party does not understand or speak the English language, or who has a physical disability which prevents him from fully</p>	<p>Idaho Code Ann. § 9-205.</p>

<p>hearing or speaking the English language, then the court shall appoint a qualified interpreter to interpret the proceedings to and the testimony of such witness or party. Upon appointment of such interpreter, the court may have the interpreter served with a subpoena as other witnesses, and such interpreter shall be sworn to accurately and fully interpret the testimony given at the hearing or trial to the best of his ability before assuming his duties as an interpreter. The court shall determine a reasonable fee for all such interpreter services which shall be paid out of the district court fund.</p>	
<p>Inadmissibility of Evidence of Previous Sexual Conduct of Victim of Rape; Closed Hearing When Defendant Applies to Court for Admission of Such Evidence; Court to Make Relevance Determination.</p> <p>In prosecutions for the crime of rape, evidence of the prosecuting witness' previous sexual conduct shall not be admitted nor reference made thereto in the presence of the jury, except as provided hereinafter. The defendant may make application to the court before or during the trial for the admission of evidence concerning the previous sexual conduct of the prosecuting witness. Upon such application the court shall conduct a hearing out of the presence of the jury as to the relevancy of such evidence of previous sexual conduct and shall limit the questioning and control the admission and exclusion of evidence upon trial. Nothing in this section shall limit the right of either the state or the accused to impeach credibility by the showing of prior felony convictions.</p>	<p>Idaho Code Ann. § 18-6105.</p>
<p>Mandatory Testing of Defendants Charged with Sex Offenses for Venereal Diseases and Hepatitis C; Test Results to Be Released to Victims.</p> <p>(1) All persons who shall be confined or imprisoned in any state prison facility in this state shall be examined for on admission, and again upon the offender's request before release, and, if infected, treated for the diseases enumerated in section 39-601, Idaho Code, and this examination shall include a test for HIV antibodies or antigens. This examination is not</p>	<p>Idaho Code Ann. § 39-604.</p>

intended to limit any usual or customary medical examinations that might be indicated during a person's imprisonment. Nothing herein contained shall be construed to interfere with the service of any sentence imposed by a court as a punishment for the commission of crime. Nothing contained in this section shall be construed to impose upon any state prison facility an obligation to continue to treat a person who tested positive for any disease enumerated in section 39-601, Idaho Code, or be financially responsible for such treatment after the person is released from the state prison facility.

(2) All persons who shall be confined in any county or city jail may be examined for and, if infected, treated for the venereal diseases enumerated in section 39-601, Idaho Code, if such persons have, in the judgment of public health authorities or the jailer, been exposed to a disease enumerated in section 39-601, Idaho Code.

(3) All persons who are charged with any sex offense in which body fluid, as defined in this chapter, has likely been transmitted to another shall be tested for the human immunodeficiency virus (HIV). At the request of the victim or parent, guardian or legal custodian of a minor victim, such test shall be administered not later than forty-eight (48) hours after the date on which the information or indictment is presented.

(4) All persons, including juveniles, who are charged with sex offenses, prostitution, any crime in which body fluid has likely been transmitted to another, or other charges as recommended by public health authorities shall be tested for the venereal diseases enumerated in section 39-601, Idaho Code, and for hepatitis C virus.

(5) All persons who are charged with any crime involving the use of injectable drugs shall be tested for the presence of HIV antibodies or antigens, for hepatitis C virus and for hepatitis B virus.

(6) If a person is tested as required in subsection (3), (4) or (5) of this section, the results of the test shall be revealed to the court. The court shall release the results of the test to the victim(s), or if the victim(s) is a minor, to the minor's parent, guardian or legal custodian.

<p>Whenever a prisoner tests positive for HIV antibodies or antigens, the victim(s) of said prisoner shall be entitled to counseling regarding HIV, HIV testing in accordance with applicable law, and referral for appropriate health care and support services. Said counseling, HIV testing and referral services shall be provided to the victim(s) by the district health departments at no charge to the victim(s). Provided however, the requirement to provide referral services does not, in and of itself, obligate the district health departments to provide or otherwise pay for a victim's health care or support services. Any court, when releasing test results to a victim(s), or if the victim(s) is a minor, to the minor's parent, guardian, or legal custodian, shall explain or otherwise make the victim(s) or the victim's parent, guardian, or legal custodian, aware of the services to which the victim(s) is entitled as described herein.</p> <p>(7) Responsibility for the examination, testing and treatment of persons confined in county or city jails shall be vested in the county or city that operates the jail. The county or city may contract with the district health departments or make other arrangements for the examination, testing and treatment services. The district health department or other provider may charge and collect for the costs of such examination and treatment, as follows:</p> <p>(a) When the prisoner is a convicted felon awaiting transfer to the board of correction, or when the prisoner is a convicted felon being confined in jail pursuant to a contract with the board of correction, the board of correction shall reimburse such costs;</p> <p>(b) When the prisoner is awaiting trial after an arrest by any state officer, the state agency employing such arresting officer shall reimburse such costs;</p> <p>(c) When the prisoner is being held for any other authority or jurisdiction, including another state, the authority or jurisdiction responsible shall reimburse such costs unless otherwise provided for by contract.</p>	
<p>Requirements for the Handling and Testing of Sexual Assault Evidence Kits; If Written Request is Made, Right of Victims of Sexual Assault to Receive at Least 60 Days' Notice Before Destruction or Disposal of Sexual Assault Evidence Kit and to</p>	<p>Idaho Code Ann. § 67-2919(1)–(13).</p>

Petition Court to Preserve Kit for Longer Than Period Provided in Statute; Upon Written Notice, Right of Victims of Sexual Assault to Notice of Events Relating to Kit, Including When Evidence is Entered into Idaho DNA Database and When There is Any Change in the Status of the Case.

(1) Except as provided in subsection (8) of this section, evidence obtained in a sexual assault evidence kit shall be tested by the Idaho state police forensic services laboratory according to sampling protocols and procedures established by the laboratory.

(2)(a) An entity that performs a medical examination of a victim of a reported sexual assault using a sexual assault evidence kit shall do so without regard to the ability or inability of a victim of a reported sexual assault to pay for such an examination.

(b) An entity qualified and reasonably able to perform a medical examination of a victim of a reported sexual assault using a sexual assault evidence kit shall not deny a medical examination to a victim of a reported sexual assault.

(3) An entity that has performed a medical examination of a victim of a reported sexual assault using a sexual assault evidence kit shall notify the local law enforcement agency of the jurisdiction where the reported sexual assault occurred that sexual assault evidence has been collected and is ready for law enforcement to take custody of such evidence according to its established protocol. The medical entity collecting the kit shall document in the state kit tracking system any required fields.

(4) A local law enforcement agency that receives notice from an entity that has performed a medical examination of a victim of a reported sexual assault as described in subsection (3) of this section shall facilitate the collection of the sexual assault evidence kit and any other collected evidence from the entity that has performed a medical examination of a victim of a reported sexual assault. After obtaining the sexual assault evidence kit and any other collected evidence from the entity that has performed a medical examination of a victim of a reported sexual assault, the local law enforcement agency shall submit such kit, in adherence to the submission policies of the Idaho state police forensic services

laboratory, to the Idaho state police forensic services laboratory for testing as soon as reasonably practical, but not later than thirty (30) days after obtaining the kit. If kit submission to the Idaho state police forensic services laboratory is not done within the thirty (30) day time limit or testing is not done by the Idaho state police forensic services laboratory within the ninety (90) day additional time limit established in this subsection, it shall not affect the ability to prosecute or defeat the jurisdiction of the court. Any law enforcement agency with sexual assault evidence kits or other sexual assault case evidence belonging to another jurisdiction must notify that jurisdiction within seven (7) days of obtaining the kits or evidence, and the receiving jurisdiction must pick up the sexual assault evidence kits or other sexual assault case evidence within seven (7) days. The law enforcement agency shall make a good faith effort to collect and submit the required reference samples associated with a submitted sexual assault evidence kit.

(5) For all sexual assault evidence kits received pursuant to subsection (4) of this section, the Idaho state police forensic services laboratory shall test such kits and submit eligible results to the Idaho DNA database within ninety (90) days. The laboratory shall report any kits not processed within ninety (90) days to the county prosecutor with jurisdiction in the case and to the Idaho legislature.

(6) Following analysis by the Idaho state police forensic services laboratory, sexual assault evidence kits shall be returned to and retained by the investigating agency in accordance with agency evidence standards and for the following durations:

- (a) For death penalty cases, until the sentence in the case has been carried out and no unapprehended persons associated with the offense exist;
- (b) For felony cases, including anonymous sexual assault kits collected under the violence against women act, fifty-five (55) years from the collection of the kit during the medical examination or until the sentence in the case is completed, whichever occurs first;
- (c) For cases before July 1, 2019, where there is no evidence to support a crime being committed or when it is no longer being investigated as a crime or when an adult victim expressly indicates that no further forensic examination or testing occur, ten (10) years from collection of the kit during the medical examination; and

(d) For cases on and after July 1, 2019, where a crime is alleged and the allegation has been determined to be unfounded, ten (10) years from collection of the kit during the medical examination.

(7) Provided that an investigating agency has current contact information, the investigating agency shall, upon written request from a victim of sexual assault, a parent or guardian if the victim is a minor, or a relative if the victim is deceased, provide written notification of the destruction or disposal of a sexual assault evidence kit and any other sexual assault case evidence no later than sixty (60) days before the date of the destruction or disposal. A victim of sexual assault, a parent or guardian if the victim is a minor, or a relative if the victim is deceased, may petition a court to preserve a sexual assault evidence kit and its contents for longer than the time prescribed in this subsection.

(8) All sexual assault evidence kits collected in this state where a crime is alleged and the allegation has not been determined to be unfounded shall be processed by the Idaho state police forensic services laboratory except for kits where the victim requests the kit be collected as an anonymous kit, such as under the provisions of the federal violence against women act. Any sexual assault evidence kit, with the exception of an anonymous sexual assault evidence kit, that is not examined and tested shall be independently reviewed by the county prosecutor. In the event such review concludes that the kit should have been tested, testing shall occur as provided in subsections (4) and (5) of this section.

(9) The Idaho state police shall promulgate rules to create a tracking process for sexual assault evidence kits in possession of the Idaho state police forensic services laboratory and every law enforcement agency throughout the state. Such rules shall provide for the information to be submitted to the Idaho state police by law enforcement agencies to assist in such tracking.

(10) Idaho state police forensic services shall approve and provide, at no cost to the victim, appropriate sexual assault evidence kits to requesting entities and law enforcement agencies. All such kits shall contain a form for victims to inform them of their right of

notification pursuant to subsections (12) and (13) of this section and of their right to decline to have a kit collected pursuant to subsection (1) of this section.

(11) Within one hundred eighty (180) days of the effective date of this act, the Idaho state police forensic services laboratory shall provide a onetime report to the legislature of all untested sexual assault evidence kits in Idaho. To assist with this onetime report, all law enforcement agencies in Idaho shall perform a onetime audit of any untested sexual assault evidence kits in their possession and submit to the Idaho state police forensic services director the following:

- (a) The number of untested kits in the law enforcement agency's possession;
- (b) The date each kit was collected and the reason it was not submitted to Idaho state police forensic services for testing; and
- (c) The number of any anonymous or unreported kits in the law enforcement agency's possession.

Law enforcement agencies shall follow the same protocol to perform the audit of untested sexual assault evidence kits as they would with any new kit submitted to the agency. The audit performed by a law enforcement agency shall be reviewed by a law enforcement representative and the county prosecutor before the final report is provided to the legislature.

(12) A law enforcement agency that submits a sexual assault evidence kit pursuant to subsection (4) of this section shall, upon written request, notify a victim of sexual assault, a parent or guardian if the victim is a minor at the time of notification, or a relative if the victim is deceased, of the following:

- (a) When the sexual assault evidence kit is submitted to the Idaho state police forensic services laboratory;
- (b) When any evidence sample DNA profile is entered into the Idaho DNA database;
- (c) When a DNA match occurs; provided however, that such notification shall state only that a match has occurred and shall not contain any genetic or other identifying information; and

(d) When there is any change in the status of the case or reopening of the case.

As used in this subsection, “notify” shall include updates to a website used by the Idaho state police forensic services laboratory for sexual assault evidence kits.


(13) On or before January 20, 2017, and by January 20 of each year thereafter, Idaho state police forensic services shall submit a report to the Idaho legislature regarding its examination of sexual assault evidence kits throughout the state in the previous year. The report shall include, but not be limited to, the number of kits purchased and distributed by Idaho state police forensic services, the number of kits collected by each law enforcement agency, the number of kits tested by the Idaho state police forensic services laboratory, the number of kits not submitted to the Idaho state police forensic services laboratory pursuant to subsection (8) of this section, the number of DNA database hits from sexual assault evidence kits, the number of unresolved DNA database hits from sexual assault evidence kits for each law enforcement agency, the number of sexual assault evidence kits submitted without required reference samples for each law enforcement agency, and a list of any law enforcement agencies that did not adhere to the tracking process promulgated pursuant to subsection (9) of this section, and for the report submitted in 2017, a list of any law enforcement agencies that did not participate in the audit required in subsection (11) of this section. This report shall be available on the website of the Idaho state police and readily available to the public. No victim or alleged perpetrator names shall be included in the report. Information shall be provided in aggregate and shall not include case-specific information.






Idaho Code Ann. § 67-2919(14) defines the terms in this statutory provision. These definitions are included above in the section “Select Definitions.”





A promising practice is to have a policy and procedure in place to notify victims, at the first opportunity, that victims must “request” the exercise of certain rights. Agencies should carefully maintain documentation of a victim’s request to exercise rights.

 <p>A promising practice is to have a policy and procedure in place that enables crime victims to easily keep their contact information up-to-date across agencies.</p>	
<p>Protective Orders for Victims of Domestic Violence; Where and How to File Petition for Protection Order.</p> <p>(1) There shall exist an action known as a “petition for a protection order” in cases of domestic violence.</p> <p>(2) A person may seek relief from domestic violence by filing a petition based on a sworn affidavit with the magistrates division of the district court, alleging that the person or a family or household member, whether an adult or a child, is the victim of domestic violence. Any petition properly filed under this chapter may seek protection for any additional persons covered by this chapter. A custodial or noncustodial parent or guardian may file a petition on behalf of a minor child who is the victim of domestic violence.</p> <p>(3) A person’s right to petition for relief under this chapter shall not be affected by that person’s having left the residence or household to avoid abuse.</p> <p>(4) The petition shall disclose the existence of any custody or any marital annulment, dissolution or separation proceedings pending between the parties, the existence of any other custody order affecting the children of the parties, and the existence of child protection or adoption proceedings affecting the children of any party.</p> <p>(5) When the petitioner requests custody of any child, the petition shall disclose:</p> <p>(a) The county and state where the child has resided for six (6) months immediately prior to the filing of the petition;</p> <p>(b) The party or other responsible person with whom the child is presently residing; and</p>	<p>Idaho Code Ann. § 39-6304.</p>

<p>(c) The party or other responsible person with whom the child has resided for six (6) months immediately prior to the filing of the petition.</p> <p>(6) A petition shall be filed in the county of the respondent’s residence, the petitioner’s residence, or where the petitioner is temporarily residing.</p> <p> Idaho Code Ann. § 39-6303 defines the terms in this statutory provision. These definitions are included above in the section “Select Definitions.”</p> <p> Idaho’s Domestic Violence Crime Prevention Act includes a number of statutory provisions governing protective orders for victims of domestic violence. <i>See, e.g.</i>, Idaho Code Ann. § 39-6305 (no filing, service, hearing, bond or other fees may be charged for protective order proceedings under this chapter); Idaho Code Ann. § 39-6306 (conduct of hearings and relief that may be ordered by court); Idaho Code Ann. § 39-6308 (conduct of ex parte temporary protection order proceedings); Idaho Code Ann. § 39-6313 (modification or termination of protection orders).</p>	
<p>Confidential Records in Court Files of Judicial Proceedings Exempt from Disclosure under Public Records Act.</p> <p>The following records are exempt from disclosure:</p> <p>...</p> <p>(b) Records contained in court files of judicial proceedings, the disclosure of which is prohibited by or under rules adopted by the Idaho supreme court, but only to the extent that confidentiality is provided under such rules</p>	<p>Idaho Code Ann. § 74-104(1)(b).</p>

<p> Idaho Code Ann. § 74-101 defines the terms in this statutory provision. These definitions are included above in the section “Select Definitions.”</p>	
<p>Records Exempted from Disclosure Under Public Records Act Include Law Enforcement Investigatory Records; Records Containing Certain Victim Statements and Victims’ Identifying and Locating Information.</p> <p>The following records are exempt from disclosure:</p> <p>(1) Investigatory records of a law enforcement agency as defined in section 74-101(7), Idaho Code, under the conditions set forth in section 74-124, Idaho Code.</p> <p>...</p> <p>(3) Records of the custody review board of the Idaho department of juvenile corrections, including records containing the names, addresses and written statements of victims and family members of juveniles, shall be exempt from public disclosure pursuant to section 20-533A, Idaho Code.</p> <p>(4)(a) The following records of the department of correction:</p> <p>...</p> <p>(ii) Records that contain any identifying information or any information that would lead to the identification of any victims or witnesses;</p> <p>...</p> <p>(c) Records of the Idaho commission of pardons and parole shall be exempt from public disclosure pursuant to sections 20-1003 and 20-1005, Idaho Code. Records exempt from</p>	<p>Idaho Code Ann. § 74-105(1), (3), (4)(a)(ii), (4)(c), (7), (11), (15).</p>

<p>disclosure shall also include those containing the names, addresses and written statements of victims.</p> <p>...</p> <p>(7) Records of investigations prepared by the department of health and welfare pursuant to its statutory responsibilities dealing with the protection of children, the rehabilitation of youth, adoptions and the commitment of mentally ill persons. For reasons of health and safety, best interests of the child or public interest, the department of health and welfare may provide for the disclosure of records of investigations associated with actions pursuant to the provisions of chapter 16, title 16, Idaho Code, prepared by the department of health and welfare pursuant to its statutory responsibilities dealing with the protection of children, except any such records regarding adoptions shall remain exempt from disclosure.</p> <p>...</p> <p>(11) Records of investigations compiled by the commission on aging involving vulnerable adults as defined in section 18-1505, Idaho Code, alleged to be abused, neglected or exploited.</p> <p>...</p> <p>(15) Except as provided in section 72-1007, Idaho Code, records of the Idaho industrial commission relating to compensation for crime victims pursuant to chapter 10, title 72, Idaho Code.</p> <p> Idaho Code Ann. § 74-101 defines the terms in this statutory provision. These definitions are included above in the section "Select Definitions."</p>	

<p>Address Confidentiality Program Participants' Files are Exempt from Disclosure under Public Records Act; Exceptions.</p> <p>The following records are exempt from disclosure:</p> <p>...</p> <p>Records in an address confidentiality program participant's file as provided for in chapter 57, title 19, Idaho Code, other than the address designated by the secretary of state, except under the following circumstances:</p> <p>(a) If requested by a law enforcement agency, to the law enforcement agency; or</p> <p>(b) If directed by a court order, to a person identified in the order.</p> <p> Idaho Code Ann. § 74-101 defines the terms in this statutory provision. These definitions are included above in the section "Select Definitions."</p>	<p>Idaho Code Ann. § 74-106(27).</p>
<p>Law Enforcement Investigatory Records are Exempt from Disclosure under Public Records Act if Disclosure Constitutes an Unwarranted Invasion of Personal Privacy; Certain Information Within Records of Inactive Investigations Also Exempt, Including Time, Date, Location, and Nature and Description of a Reported Crime, Accident or Incident.</p> <p>(1) Notwithstanding any statute or rule of court to the contrary, nothing in this chapter nor chapter 10, title 59, Idaho Code, shall be construed to require disclosure of investigatory records compiled for law enforcement purposes by a law enforcement agency, but such exemption from disclosure applies only to the extent that the production of such records would:</p> <p>(a) Interfere with enforcement proceedings;</p>	<p>Idaho Code Ann. § 74-124.</p>

<p>(b) Deprive a person of a right to a fair trial or an impartial adjudication;</p> <p>(c) Constitute an unwarranted invasion of personal privacy;</p> <p>(d) Disclose the identity of a confidential source and, in the case of a record compiled by a criminal law enforcement agency in the course of a criminal investigation, confidential information furnished only by the confidential source;</p> <p>(e) Disclose investigative techniques and procedures;</p> <p>(f) Endanger the life or physical safety of law enforcement personnel; or</p> <p>(g) Disclose the identity of a reporting party maintained by any law enforcement entity or the department of health and welfare relating to the investigation of child abuse, neglect or abandonment unless the reporting party consents in writing to the disclosure or the disclosure of the reporting party's identity is required in any administrative or judicial proceeding.</p> <p>(2) Notwithstanding subsection (1) of this section, any person involved in a motor vehicle collision which is investigated by a law enforcement agency, that person's authorized legal representative and the insurer shall have a right to a complete, unaltered copy of the impact report, or its successors, and the final report prepared by the agency.</p> <p>(3) An inactive investigatory record shall be disclosed unless the disclosure would violate the provisions of subsection (1)(a) through (g) of this section. Investigatory record as used herein means information with respect to an identifiable person or group of persons compiled by a law enforcement agency in the course of conducting an investigation of a specific act or omission and shall not include the following information:</p> <p>(a) The time, date, location, and nature and description of a reported crime, accident or incident;</p> <p>(b) The name, sex, age, and address of a person arrested, except as otherwise provided by law;</p> <p>(c) The time, date, and location of the incident and of the arrest;</p> <p>(d) The crime charged;</p> <p>(e) Documents given or required by law to be given to the person arrested;</p> <p>(f) Informations and indictments except as otherwise provided by law; and</p>	
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(g) Criminal history reports.

As used herein, the term “law enforcement agency” means the office of the attorney general, the office of the state controller, the Idaho state police, the office of any prosecuting attorney, sheriff or municipal police department.

(4) Whenever it is made to appear by verified petition to the district court of the county where the records or some part thereof are situated that certain investigative records are being improperly withheld from a member of the public, the court shall order the officer or person charged with withholding the records to disclose the investigative record or show cause why he should not do so. The court shall decide the case after examining the record in camera, papers filed by the parties, and such oral argument and additional evidence as the court may allow.

If the court finds that the public official’s decision to refuse disclosure is not justified, he shall order the public official to make the record public. If the judge determines that the public official was justified in refusing to make the record public, he shall return the item to the public official without disclosing its content with an order supporting the decision refusing disclosure. Any person who fails to obey the order of the court shall be cited to show cause why he is not in contempt of court. The court may, in its discretion, award costs and fees to the prevailing party.



Idaho Code Ann. § 74-101 defines the terms in this statutory provision. These definitions are included above in the section “Select Definitions.”

This resource was developed by the National Crime Victim Law Institute (NCVLI) under 2018-V3-GX-K049, 2020-V3-GX-K001 and 15OVC-22-GK-01805-NONF, awarded to the International Association of Chiefs of Police (IACP) by the Office for Victims of Crime, Office of Justice Programs, U.S. Department of Justice. The opinions, findings, and conclusions or recommendations expressed in this resource are those of the contributors and do not necessarily represent the official position of the U.S. Department of Justice.