I.C.A.R. 49. Electronic Devices in Court Facilities.

Idaho Court Administrative Rule 49. Electronic Devices in Court Facilities.

(a) 'Electronic devices,' as used in this rule, means cell phones, personal computers, personal digital assistants, and other similar devices capable of transmitting, receiving, recording or storing messages, images, sounds, data or other information by electronic means.

(b) Unless the administrative district judge or the presiding judge in a case issues an order prohibiting or restricting the carrying or use of electronic devices:

(1) Electronic devices may be carried in court facilities or courtrooms.

(2) Electronic devices may be used for the purpose of note taking in courtrooms or court facilities, and such notes may be transmitted from the courtroom or court facility.

(c) Electronic devices may not be used for the recording or transmission of sounds or images in or from courtrooms except as permitted under Rule 45, Rule 46a, or Rule 46b of the Idaho Court Administrative Rules. The transmission of sounds or images in or from court facilities outside of the courtroom shall be permitted only when consistent with the provisions of Rule 45 of the Idaho Court Administrative Rules and with any orders issued by the administrative district judge pursuant to Rule 45(e) of the Idaho Court Administrative Rules. If an electronic device is capable of recording or transmitting sounds or images, these functions shall not be activated while the electronic device is in the courtroom unless approval for the recording or transmission of sounds or images has been obtained pursuant to Rule 45, Rule 46a, or Rule 46b of the Idaho Court Administrative Rules.

(d) Electronic devices shall not be used in a manner that interferes with court proceedings or the work of court personnel. Any electronic device capable of emitting sounds that would be audible in the courtroom must be set to a silent or vibrate mode. Cell phone calls shall neither be made from nor answered in the courtroom.

(e) The Administrative District Judge or the presiding judge in any case may restrict the carrying or use of electronic devices in the courtroom by court personnel.

(f) Attorneys in a matter before the court and their employees and agents may make reasonable and lawful use of electronic devices in connection with the proceeding unless such use is restricted or prohibited by the Administrative District Judge or presiding judge.

(g) Jurors shall not possess or carry electronic devices during deliberations. The use of electronic devices by jurors or prospective jurors during their jury service shall be subject to other restrictions as provided by court rules, orders, or instructions.

(h) The provisions of this rule, and of any order prohibiting or restricting the use of electronic devices, shall apply to all members of the public including members of the news media, and shall be communicated to members of the news media and to members of the public entering court facilities by signs or other appropriate means.

(i) Any person who violates the provisions of this rule or any order of the Administrative District Judge or order of the court regarding the possession or use of electronic devices may be found in contempt of court. Court personnel may confiscate and retain an electronic device that is used in violation of this rule or of such order, subject to further order of the court or until the owner of the electronic device leaves the building.

(Adopted November 29, 2012, effective January 1, 2013)

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