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## **I.C.R. 45. Computing and Extending Time**

### **Idaho Criminal Rule 45. Computing and Extending Time**

**(a) Computation of Time Periods.** In computing any time period specified in these rules, in any local rule or court order, or in any statute that does not specify a method of computing time:

- (1) exclude the day of the event that triggers the period;
- (2) count every day, including intermediate Saturdays, Sundays and non-judicial days as defined in Idaho Code § 1-1607; and
- (3) include the last day of the period, but if the last day is a Saturday, Sunday, or non-judicial day, the period continues to run until the next day that is not a Saturday, Sunday or non-judicial day.

### **(b) Extending Time.**

(1) *In General.* When an act must or may be done within a specified period, the court on its own may extend the time, or for good cause may do so on a party's motion made:

- (A) before the originally prescribed or previously extended time expires; or
- (B) after the time expires if the party failed to act because of excusable neglect.

(2) *Exception.* The court may not extend the time to take any action under Rules 29, 34 and 35, or for the perfecting of an appeal, except to the extent and under the conditions stated in those rules.

**(c) Time for Filing Motions and Affidavits.** A written motion, other than one which may be heard ex parte, and notice of hearing must be served at least seven days before the time specified for the hearing unless a different period of time is set by rule or by order of the court. For cause shown such an order may be made on ex parte application. When a motion is supported by affidavit, the affidavit must be served with the motion and opposing affidavits must be served at least one day before the hearing unless the court permits them to be served at a later time.



**(d) Additional Time After Service by Mail.** Whenever a party must or may act within a specified period after service and service is made by mail, three days are added after the period would otherwise expire under subparagraph (a).

(Adopted February 22, 2017, effective July 1, 2017.)

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