I.C.R. 46.2. No Contact Orders

Idaho Criminal Rule 46.2. No Contact Orders.

(a) No contact orders issued pursuant to Idaho Code § 18-920 shall be in writing and served on or signed by the defendant. Each judicial district shall adopt by administrative order a form for no contact orders for that district. No contact orders must contain, at a minimum, the following information:

(1) The case number, defendantís name and victimís name;

(2) A distance restriction;

(3) That the order will expire at 11:59 p.m. on a specific date, or upon dismissal of the case;

(4) An advisory that:

(a) A violation of the order may be prosecuted as a separate crime under I.C. § 18-920 for which no bail will be set until an appearance before a judge, and the possible penalties for this crime,

(b) The no contact order can only be modified by a judge, and

(c) When more than one domestic violence protection order is in place, the most restrictive provision will control any conflicting terms of any other civil or criminal protection order. Whenever a no contact order is issued, modified or terminated by the court, or the criminal case is dismissed, the clerk shall give written notification to the records department of the sheriffís office in the county in which the order was originally issued, immediately. No contact orders shall be entered into the Idaho Law Enforcement Telecommunications System (ILETS).

(b) A victim of a criminal offense for which a no contact order has issued may request modification or termination of that order by filing a written and signed request with the clerk of the court in which the criminal offense is filed. Forms for such a request shall be available from the clerk. The court shall provide for a hearing within fourteen days of the request and shall provide notification of the hearing to the victim and the parties.

(Adopted March 22, 2002, effective July 1, 2002; amended April 22, 2004, effective July 1, 2004; Amended June 30, 2004, effective July 1, 2004.)

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