I.M.C.R. 4. Jurisdiction - Venue - Distribution of Fines.

Idaho Misdemeanor Criminal Rule 4. Jurisdiction - Venue - Distribution of Fines.

(a) Jurisdiction. Every magistrate in the state of Idaho is hereby assigned and granted the authority and jurisdiction to hear, process and determine, pursuant to judicial district rule of assignment, any citable offense alleged to have occurred within the state of Idaho, subject to the provisions of this rule.

(b) Primary jurisdiction and venue. All citable offenses shall be heard, processed and determined by a magistrate or judge in the county in which such violation is alleged to have occurred, except that citable offenses may be heard, processed and determined by the magistrates division of the district court of the county to which such alleged violation is assigned or transferred under this rule.

(c) Transfer of misdemeanor citation or complaint to convenient county.

(1) Transfer of citation by issuing officer. At the time of issuance of a citation or complaint, the person charged and the officer issuing the citation or complaint may mutually agree that the citation or complaint may be processed by a court in a more convenient county than the county in which the alleged violation occurred. In case of such agreement, the officer shall indicate upon the face of the citation or complaint the county and court before which the person charged must appear at a time certain, which date shall be not less than seven (7) nor more than twenty one (21) days after the date of issuance of the citation or complaint. The signatures of the officer and the party charged upon the citation orcomplaint shall be deemed consent to such transfer of the citation or complaint. At the time of the issuance of a citation or complaint, the officer shall discuss with the party charged as to which county would be most convenient for processing the citation or complaint. It is the intent of these rules to allow transfers except in extraordinary circumstances.

(2) Transfer of citation or complaint by stipulation. At any time prior to the entry of a guilty plea, the parties may file a written stipulation to transfer the citation or complaint to a more convenient county. The stipulation must state the appearance date for the defendant in the more convenient county, which must be not less than fourteen (14) days after execution of the stipulation.

(d) Transmittal of original citation or complaint. In the event the processing of a citation or complaint is transferred to a more convenient county by agreement or stipulation, the issuing officer or clerk of the transmitting court shall have the responsibility of delivering the citation or complaint with the stipulation to the court to which the transfer is made so as to be received no later than the date upon which the party charged is to appear before such court. In the event the party charged appears before such court at the time agreed upon and set forth on the citation or complaint or in the stipulation, and the citation or complaint has not been delivered to the court, no action shall be taken upon the citation or complaint; but if the citation or complaint is later filed in any court, it may be dismissed by the court without requiring another appearance of the party charged.

(e) Appearance by person charged. In the event a citation or complaint is transferred to a court other than in the county of violation, as authorized by this rule, upon appearance before the court the defendant may post bond, enter a plea of not guilty or enter a plea of guilty, all in accordance with the procedure of such court. The court shall thereupon process such citation or complaint in the same manner as citations or complaints for violations occurring within that county; except that if the defendant enters a plea of not guilty, the court shall indicate the plea of not guilty on the face of the citation or complaint, determine the amount of bail bond, if any, required of the person charged, and endorse on the citation or complaint the amount of the bond, and a time and place certain for the defendant to appear before a court in the county in which the violation is alleged to have occurred. The court accepting the plea of not guilty shall thereupon forward all copies of the citation or complaint, together with any bond money collected from the person charged, to the court in the county wherein the violation occurred. Thereafter, all further proceedings and jurisdiction for the proceeding and determination of the citation or complaint shall be in the court of the county wherein the violation is alleged to have occurred.

(f) Failure to appear. If a citation or complaint has been transferred under the provisions of this rule and thereafter the party charged fails to appear before such court at the time and place specified in the endorsement on the citation or complaint or in the stipulation, then and in such event the court to which such transfer was made shall have the primary authority and jurisdiction to issue a citation or complaint for failure to appear, or a bench warrant if the defendant has previously appeared, as may be necessary to bring the party charged before such court for any entry of plea to the citation or complaint.

(g) Distribution of fines, costs and forfeitures. The fines, forfeitures and costs imposed by the court to which a citation or complaint was transferred shall be remitted to the auditor of such county in which such judgment was rendered or the forfeiture was made, and shall be distributed by said auditor as follows: All costs are to be retained by the county in which the judgment was rendered or the forfeiture was made, to be apportioned as provided by law. All fines and forfeitures shall be remitted to the auditor of the county in which the violation occurred to be apportioned as provided in section 19-4705, Idaho Code. When that portion of the fines and forfeitures is remitted to the county auditor of the county in which the violation occurred, it shall be accompanied by copies of the citation or complaint and judgment of conviction or forfeiture. Provided, any fines, forfeitures or costs assessed by the court of the county to which the citation or complaint was transferred for failure of the party charged to appear before the court at the time agreed, shall not be transmitted to the county in which the violation occurred, but shall be processed by the county enforcing the failure to appear in the same manner as an original citation or complaint.

(h) Jurisdiction upon re-transfer. In the event a citation or complaint is re-transferred to the county wherein the alleged violation occurred by reason of a plea of not guilty by the party charged, then such citation or complaint is hereby assigned to the magistrates division of the district court of the county wherein the violation is alleged to have occurred. This rule shall not, however, prevent a change of venue pursuant to law or rule, nor shall it prohibit a change of venue by stipulation of all parties with the approval of all courts involved.

(Adopted December 27, 1979, effective July 1, 1980; amended March 27, 1989, effective July 1, 1989.)

Source URL: http://www.isc.idaho.gov/imcr4