

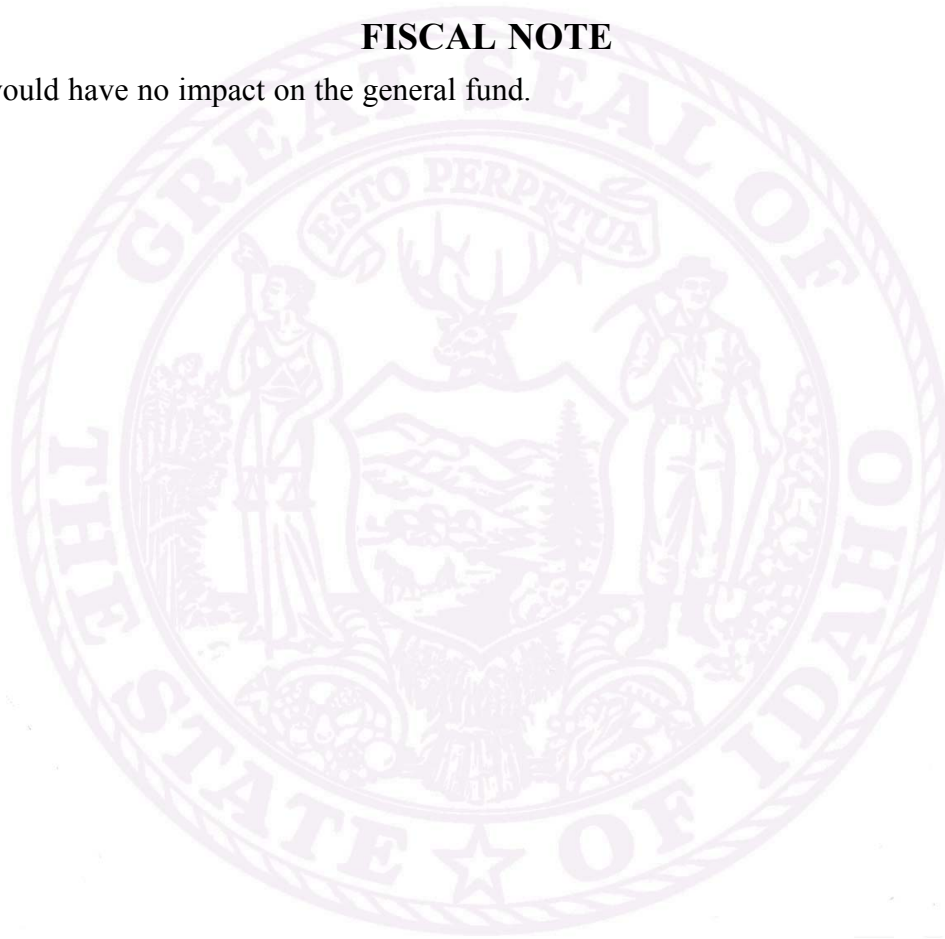
STATEMENT OF PURPOSE

RS22464

This is one of a series of bills that the Supreme Court has recommended in its annual report to the Governor concerning defects or omissions in the laws, as required under article V, section 25 of the Idaho Constitution. Chapter 39, Title 19, Idaho Code addresses procedure in misdemeanor criminal cases in the magistrate division of district court. Idaho Code § 19-3915 states, "The court must decide all questions of law which may arise in the course of the trial, but can give no charge to the jury." The last clause of this statute, which was enacted in 1864, is no longer correct. The court must instruct the jury in matters of law, as provided in Idaho Code § 19-2132 and Idaho Criminal Rule 30. The statement that the court "can give no charge to the jury" should be deleted.

FISCAL NOTE

This bill would have no impact on the general fund.



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