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I.R.E. 101. Title and Scope.

Idaho Rules of Evidence Rule 101. Title and Scope.

(a) Title. These rules shall be known and cited as the Idaho Rules of Evidence, or abbreviated I.R.E.

(b) Scope. These rules govern all actions, cases and proceedings in the courts of the State of Idaho and all actions, cases and proceedings to which rules of evidence are applicable, except as hereinafter provided.

(c) Rules of privilege. The rules with respect to privileges apply at all stages of all actions, cases and proceedings.

(d) Rules inapplicable in part. These rules apply in the following proceedings subject to the enumerated exceptions:

(1) Preliminary hearings. Preliminary hearings except as modified by Rule 5.1(b) of the Idaho Criminal Rules.

(2) Juvenile Corrections Act. Proceedings under the Juvenile Corrections Act except as modified by the Idaho Juvenile Rules.

(3) Masters proceedings. Masters proceedings unless the appointing court directs otherwise in the order of appointment pursuant to Rule 53 of the Idaho Rules of Civil Procedure.

(4) Uniform Post-Conviction Act. Proceedings under the Uniform Post-Conviction Procedure Act except as modified by Idaho Code Section 19-4907.

(5) Driver's license suspension. Proceedings for suspension of driver's license for failure to take an evidentiary test for alcohol concentration except as modified by Rule 9.2(b) of the Idaho Misdemeanor Criminal Rules.

(6) Paternity Act. Proceedings under the Paternity Act except as modified by Rule 6(c)(7) of the Idaho Rules of Civil Procedure.

(7) Restitution hearings. Restitution hearings except as modified by I.C. § 19-5304(6).

(e) Rules inapplicable. These rules, other than those with respect to privileges, do not apply in the following situations:

(1) Preliminary questions of fact. The determination of questions of fact preliminary to admissibility of evidence when the issue is to be determined by the court under Rule 104(a).

(2) Special Inquiry Judge. Special Inquiry Judge proceedings.

(3) Miscellaneous proceedings. Proceedings for extradition or rendition; sentencing, or granting or revoking probation; issuance of warrants for arrest, criminal summonses, and search warrants; and proceedings with respect to release on bail or otherwise.

(4) Contempt proceedings. Contempt proceedings in which the court may act summarily.

(5) Small claims. Proceedings in the small claims department of the district court.

(6) All hearings conducted pursuant to the provisions of the ChildProtective Act, I.C. 16-1601 et.seq., except that the Rules of Evidence shall apply at adjudicatory hearings conducted pursuant to I.C. Section 16-1619 and termination of parental rights proceedings pursuant to I.C. Section 16-1624.

(7) Informal hearings for emergency medical treatment pursuant to I.C. Section 16-1627.

(8) Judicial Authorization for Aborton. All hearings conducted pursuant to I.C. Section 18-609A regarding a request for judicial authorization for performance of an abortion on a minor.

(Adopted January 8, 1985, effective July 1, 1985; amended June 7, 1993, effective July 1, 1993; amended March 1, 2000, effective July 1, 2000; amended December 26, 2002, effective February 1, 2003; amended March 21, 2007; effective July 1, 2007; amended April 4, 2008, effective July 1, 2008; amended February 9, 2012, effective July 1, 2012.)

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