

TITLE 19
CRIMINAL PROCEDURE

CHAPTER 1
PRELIMINARY PROVISIONS

19-101. LEGAL CONVICTION NECESSARY TO PUNISHMENT. No person can be punished for a public offense except upon a legal conviction in a court having jurisdiction thereof.

[(19-101) Cr. Prac. 1864, sec. 5, p. 214; R.S., R.C., & C.L., sec. 7350; C.S., sec. 8616; I.C.A., sec. 19-101.]

19-102. PROSECUTION BY INDICTMENT OR INFORMATION -- EXCEPTIONS. Every public offense must be prosecuted by indictment, or information, except:

1. Where proceedings are had for the removal of civil officers of the state.

2. Offenses arising in the militia when in actual service, and in the land and naval forces in time of war, or which this state may keep, with the consent of congress, in time of peace.

3. Offenses tried in justices, and probate courts.

[(19-102) Cr. Prac. 1864, sec. 6, p. 214; R.S., sec. 7351; am. 1899, p. 125; reen. R.C. & C.L., sec. 7351; C.S., sec. 8617; I.C.A., sec. 19-102.]

19-103. CRIMINAL ACTION DEFINED. The proceedings by which a party charged with a public offense is accused and brought to trial and punishment is known as a criminal action.

[(19-103) Cr. Prac. 1864, sec. 7, p.214; R.S., R.C., & C.L., sec. 7352; C.S., sec. 8618; I.C.A., sec. 19-103.]

19-104. PARTIES TO CRIMINAL ACTIONS. A criminal action is prosecuted in the name of the state of Idaho, as a party, against the person charged with the offense.

[(19-104) Cr. Prac. 1864, sec. 8, p. 214; R.S., R.C., & C.L., sec. 7353; C.S., sec. 8619; I.C.A., sec. 19-104.]

19-105. DEFENDANT. The party prosecuted in a criminal action is designated in this code as the defendant.

[(19-105) Cr. Prac. 1864, sec. 9, p. 214; R.S., R.C., & C.L., sec. 7354; C.S., sec. 8620; I.C.A., sec. 19-105.]

19-106. RIGHTS OF DEFENDANT. In a criminal action the defendant is entitled:

1. To a speedy and public trial.

2. To be allowed counsel as in civil actions, or to appear and defend in person and with counsel.

[(19-106) Cr. Prac. 1864, sec. 10. p. 214, first two subds.; R.S., R.C., & C.L., sec. 7355; C.S., sec. 8621; I.C.A., sec. 19-106.]

19-107. SECOND PROSECUTION PROHIBITED. No person can be subjected to a second prosecution for a public offense for which he has once been prosecuted and convicted or acquitted.

[19-107, added 1972, ch. 336, sec. 2, p. 982.]

19-108. SELF-INCRIMINATING EVIDENCE -- RESTRAINT OF PERSON. No person can be compelled in a criminal action to be a witness against himself, nor can a person charged with a public offense be subjected, before conviction, to any more restraint than is necessary for his detention to answer the charge.

[(19-108) Cr. Prac. 1864, sec. 12, p. 214; R.S., R.C., & C.L., sec. 7357; C.S., sec. 8623; I.C.A., sec. 19-108.]

19-109. PREREQUISITES TO CONVICTION. No person can be convicted of a public offense unless by the verdict of a jury, accepted and recorded by the court, or upon a plea of guilty, or upon a judgment of a probate or justice's court, a jury having been waived, in a criminal case not amounting to a felony.

[(19-109) Cr. Prac. 1864, sec. 13, p. 214; R.S., R.C., & C.L., sec. 7358; C.S., sec. 8624; I.C.A., sec. 19-109.]

19-110. EXPEDITION OF COURT PROCEEDINGS. In all criminal cases and juvenile fact finding hearings that involve a child victim or witness, the court and the prosecuting attorney shall take all appropriate actions to ensure a speedy trial in order to minimize the length of time the child must endure the stress of his or her involvement in the proceedings. In ruling on any motion or other request for a delay or continuance of any proceeding, the court shall consider and give weight to any adverse impact that the requested delay or continuance may have on the well-being of a child victim or witness, and findings of fact shall be made on this issue.

[19-110, added 1989, ch. 303, sec. 1, p. 758.]