

DEC 14 2016

By _____ 

**IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT
OF THE STATE OF IDAHO**

| | |
|----------------------------------|----------------------|
| IN RE: WEAPONS IN COURT RELATED) | SECOND AMENDED |
| BUILDINGS OF THE FIFTH) | ADMINISTRATIVE ORDER |
| JUDICIAL DISTRICT) | 2015-01 |
| _____) | |

Pursuant to Idaho Code §1-907, the Administrative Judge "subject to the rules of the Supreme Court, shall have the administrative supervision and authority over the operation of the district courts and magistrates in the district." One of those specific statutory duties is to appoint personnel for the purpose of maintaining "the security and efficiency of court facilities."

Pursuant to Idaho Supreme Court Order, dated August 4, 2005, the Administrative District Judge is to "address security concerns identified by the district judges, magistrate judges or other court personnel..." Thus, it is important that standards and directives be implemented which provide safeguards and protection for the courts, all court directed personnel, and the public in the use of various court facilities in the Fifth Judicial District. Therefore, this Court hereby enters this Order for the protection and safety of facilities in which any court related functions, meetings or services are conducted, for all judges and any court-related personnel, and for all persons using such facilities, including any county employee. The term "court facilities" shall be defined as any building in which a state court judge presides in a courtroom.

Now, therefore, it is hereby ORDERED that subject to the exceptions noted below, all persons entering any court facility are prohibited from carrying or having on their person at any place inside a court facility, any firearm, pistol or revolver of any kind, any knife exceeding 2 ½ inches in length, other than

knives contained in any break room within a judicial facility, any explosive or explosive device, incendiary device, ammunition, taser or related device, pepper spray or any related substance, or any other device that could be considered a weapon.

Persons exempted:

1. Persons who, with the prior written approval of the Administrative Judge of the Fifth Judicial District of the State of Idaho, or their designee, upon a showing of good cause for the necessity of the possession of such an item, except as otherwise provided herein.
2. Idaho State Court Judges.
3. Officially designated court attendants, such as deputy sheriffs/court bailiffs/marshals
4. Officers of the court such as attorney law clerks/staff attorneys for judges of the Fifth Judicial District, including all senior judges serving in this District.
5. Any sworn uniformed Idaho Peace Officer with a service weapon holstered in a Level 3 holster.
6. Those persons who have been identified and approved by the sheriff's department in each county, which approval may vary depending on the building at issue, subject to the review and approval of the Administrative District Judge. Such exempted persons may, but are not required to, include elected county officials and county prosecutors of the county where the courthouse is located, if their office is located within a court facility. It may also include "peace officers" as defined in Idaho Code §19-5101, so long as those officers have satisfactorily completed the peace officer standards and training academy. Each

sheriff's department shall maintain an approved list of such exempted persons for each designated court facility, and may add to or delete from said list as necessary for safety purposes from time to time as required, but at least once every year, again subject to the review and approval of the Administrative District Judge.

No person, including elected county officials, county prosecutors, deputy sheriffs, court bailiffs, marshals and "peace officers", shall enter any court facility with any weapon while attending personal court proceedings not pertaining to his or her official duties.

The presiding judge in any courtroom of any court facility may limit the presence of any weapons mentioned into that courtroom while that judge presides there, except for those weapons carried by the officially designated court attendants and uniformed sworn Idaho Peace Officers with a service weapon holstered in a Level 3 holster.

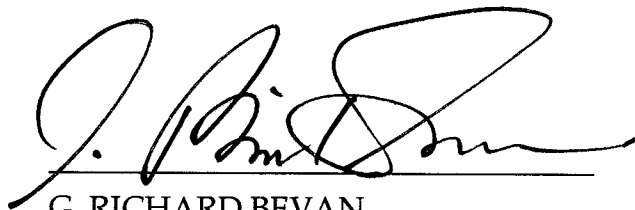
It is further ORDERED that all persons entering any court facility in the Fifth Judicial District are prohibited at all times from uttering loud, threatening, vulgar, or abusive language, or otherwise engaging in any disorderly or disruptive conduct, at any place within said building, or committing any acts which would impede, disrupt, or disturb the orderly conduct of any judicial or court related process.

Any violation of this ORDER shall be a contempt of this ORDER and any court appointed attendant, peace officer, or felony or misdemeanor probation officer is hereby authorized, instructed and ordered to take such person(s) violating this ORDER into custody and, at the appointed time, bring such person before a judge of either the District or Magistrate Division, for determination of whether a contempt of this order has occurred and for the appropriate response thereto, in accordance with the laws and rules of the courts.

It is further ORDERED that the District Trial Court Administrator, in coordination with each County Commission, is hereby authorized and has the additional responsibility to implement and manage the security of court facilities consistent with this ORDER and state law, including the authorization of appropriate signage in conspicuous places on all the court facilities of the District advising all persons of the prohibitions set forth in this ORDER. A copy of this SECOND AMENDED ORDER shall be maintained within each court facility as directed by the Trial Court Administrator. Amended Administrative ORDER 2015-1 is hereby withdrawn.

IT IS SO ORDERED

DATED December 14, 2016.

A handwritten signature in black ink, appearing to read 'G. Richard Bevan', written over a horizontal line.

G. RICHARD BEVAN
Administrative District Judge

CC: ✓All Judges of the Fifth Judicial District

All Elected Officials of each County of the Fifth Judicial District

All Sheriff Departments and Law Enforcement Offices within the Fifth Judicial District

✓Shelli Tubbs, 5th District Trial Court Administrator
Sara Thomas, Administrative Director of the Courts