

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

RE: NO CONTACT ORDERS AND)	
RELATED FORMS FOR USE IN)	04-18
CRIMINAL CASES)	SECOND AMENDED
)	ADMINISTRATIVE ORDER
_____)	

WHEREAS, I.C.R. Rule 46.2 requires that each judicial district shall adopt by Administrative Order a form for No Contact Orders for that district; and

WHEREAS, Idaho Code §18-920 provides that when a person is charged with, or convicted of, an offense under Idaho Code §§ 18-901, 18-903, 18-905, 18-907, 18-909, 18-911, 18-913, 18-915, 18-918, 18-919, 18-6710, 18-6711, 18-7905, 18-7906, or 39-6312, or any other offense for which a court finds that a No Contact Order is appropriate, an order forbidding contact with another person may be issued; and

WHEREAS, Idaho Code §18-920 provides that such No Contact Orders may be imposed by the court or by Idaho Criminal Rule; and

WHEREAS, I.C.R. Rule 46.2 provides that No Contact Orders issued pursuant to Idaho Code § 18-920 shall be in writing and served on or be signed by the defendant; and

WHEREAS, I.C.R. Rule 46.2 specifies certain requirements and advisories to be placed in No Contact Orders; and

WHEREAS, it is necessary to collect information for entry of No Contact Orders into the Idaho Law Enforcement Telecommunication System, (ILETS);

THEREFORE, EFFECTIVE JULY 1, 2004, IT IS HEREBY ORDERED:

1. The following attached forms shall be used in all counties of the Fifth Judicial District providing for no contact orders issued in criminal cases, pursuant to Idaho Code § 18-920;

Form 1: No Contact Order Pursuant to I.C.R. 46.2, I.C. § 18-920, and Fifth District Administrative Order 04-18;

Form 2: Victim Information Form; Revision date 9/28/04

Form 3: Motion to Modify or Dismiss No Contact Order;

Form 4: Order on Motion to Modify or Dismiss No Contact Order;

2. Any of the above, which are actually entered as orders, shall remain in full force and effect according to their terms or until modified or dismissed by order of the court.

3. The Clerk of the Court shall give written notification to the records department of the Sheriff's Office in the county in which a No Contact Order issues and any subsequent modification or dismissal thereof **immediately** and the information on the Order, or any subsequent modifications or termination thereof, shall be entered into the Idaho Law Enforcement Telecommunication System.

4. Because there are no longer Administrative No Contact Orders, when the first No Contact Order is issued by the Court, the arresting officer shall complete

Victim Information Form immediately, or the prosecuting attorney's office for that agency shall complete the Victim Information Form if no arrest is made, no later than forty-eight (48) hours after the entry of the court's order and immediately forward it to the record's department of the Sheriff's office.

5. A copy of this Administrative Order and attached forms shall be posted in every clerk's office and jail throughout the Fifth Judicial District.

6. A copy of this Administrative Order shall be published in one issue of *The Advocate* and shall also be mailed out by the Fifth District Bar Association in their next newsletter.

DATED this 28th day of October, 2004.

A handwritten signature in black ink that reads "B. Wood". The signature is written in a cursive, flowing style. The "B" is large and loops around the "W". The "Wood" is written in a similar cursive style. The signature is positioned above a horizontal line.

Barry Wood
Administrative District Judge

c: All Judges, All Clerks of the District Court, All Sheriffs,
All Prosecuting Attorneys, All Public Defenders, All Chief of Police

IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT
OF THE STATE OF IDAHO, IN AND FOR THE COUNTY OF _____

STATE OF IDAHO,

Plaintiff,

vs.

Defendant.

CASE NO.

NO CONTACT ORDER

Pursuant to I.C.R. 46.2, I.C. § 18-920 and Fifth
District Administrative Order 04-18.

Arresting Agency _____

In this case, the Court has found that the defendant has been charged with a criminal offense for which a No Contact Order forbidding contact with another person is appropriate;

You, the above named defendant, are hereby ordered to have no contact or communication with the alleged victim, _____, or knowingly remain within _____ ☐ feet ☐ yards of the alleged victim, except you may make contact through an attorney and [only CHECKED boxes give you other exceptions]:

You are permitted to: ☐ speak with the victim by telephone
☐ have another person contact the victim
☐ communicate in writing

BUT YOU OR OTHERS ON YOUR BEHALF MUST NOT THREATEN OR TRY TO INTIMIDATE THE ALLEGED VICTIM.

If you live with the victim, you may contact a law enforcement officer who will make arrangements to accompany you to the residence to remove items and tools necessary for employment and personal belongings. The officer will determine what constitutes necessary tools and personal belongings.

This Order will remain in effect until 11:59 p.m. on _____, or upon dismissal of this criminal case against Defendant; whichever occurs first. If there is also a civil protection order, dismissal of any civil protection order shall not result in a dismissal of this order in this criminal case.

You are advised of the following:

1. **VIOLATION OF THIS ORDER IS A SEPARATE CRIME** under Idaho Code § 18-920, for which no bail will be set until an appearance before a judge. A first and second conviction of violation of a no contact order is a misdemeanor and is punishable by a fine not exceeding one thousand dollars (\$1,000) or by imprisonment in the county jail not to exceed one (1) year or both. A third conviction within five (5) years is a felony and is punishable by a fine not exceeding five thousand dollars (\$5,000) or by imprisonment in the state prison not to exceed five (5) years or both. Further, any such violation of this order may result in the increase, revocation, or modification of the bond set in the underlying charge for which this no contact order was imposed. This no contact order can only be modified by a judge. I.C.R. 46.2
2. When more than one no contact order or domestic violence protection order is in place, the most restrictive provision will control any conflicting term of any other civil or criminal protection order.
3. Upon sufficient notice to the prosecuting attorney, you have a right to request a hearing before the court to modify or dismiss this order.

If there are other orders of any kind between you and the alleged victim you must not violate the terms of any order. You might want to ask an attorney to help make all the orders the same to avoid confusion.

THE CLERK IS HEREBY ORDERED to deliver a copy of this Order to the county sheriff immediately.

DATED this _____ day of _____, 20____.

JUDGE

I acknowledge that I have read and received a copy of this order _____

Defendant

c: County Sheriff, Prosecutor, Defendant, Defendant's attorney

STATE OF IDAHO,
Plaintiff,
vs.
Defendant.

VICTIM INFORMATION FORM
(Completed by the Arresting Officer or Prosecutor)
****This form shall not be filed with the Court**

Arresting Agency: _____
 Arresting Officer's Name: _____ # _____ Date: _____ Time: _____

Name _____ D.O.B. _____ Race _____ Sex _____ S.S.N. _____
 Temporary Address _____
 City _____ State _____ Zip _____
 Home Phone _____ Work Phone _____

Name _____ D.O.B. _____ Race _____ Sex _____ S.S.N. _____
 Temporary Address _____
 City _____ State _____ Zip _____
 Home Phone _____ Work Phone _____

Name _____ D.O.B. _____ Race _____ Sex _____ S.S.N. _____
 Temporary Address _____
 City _____ State _____ Zip _____
 Home Phone _____ Work Phone _____

Name _____ D.O.B. _____ Race _____ Sex _____ S.S.N. _____
 Temporary Address _____
 City _____ State _____ Zip _____
 Home Phone _____ Work Phone _____

Form 2
Revised 9/28/2004

Full Name of Party Submitting This Document

Mailing Address (Street or Post Office Box)

City, State and Zip Code

Telephone Number

IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF
THE STATE OF IDAHO, IN AND FOR THE COUNTY OF _____

STATE OF IDAHO,
Plaintiff,
vs.

Defendant.

Case No.: _____

MOTION TO MODIFY OR DISMISS
NO CONTACT ORDER
I.C.R. 46.2(b), I.C. § 18-920

1. ☐ I am a person protected by a no-contact order in this case .
☐ I am a the parent or guardian of a person protected by a no-contact order in this case.
☐ I am the defendant.

2. I ask that the No Contact Order issued against the defendant in this case be:

☐ Terminated because: _____

_____.

☐ Modified (changed) because: _____

_____.

The changes I want are:

_____.

3. It is my own choice to make this request.
4. I understand that, if the court changes or dismisses the No Contact Order in this criminal case, it does not mean the criminal case against the defendant will be dismissed.
5. I also understand that dismissal of the No Contact Order in this criminal case will not change any civil Domestic Violence Protection Order involving the same people.

Date

Signed: _____

Typed or Printed Name of Person Signing

IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT

OF THE STATE OF IDAHO, IN AND FOR THE COUNTY OF _____

STATE OF IDAHO,

Plaintiff,

vs.

Defendant.

CASE NO. _____

ORDER ON MOTION TO MODIFY OR
DISMISS NO CONTACT ORDER

The Court having considered the Request for ☐ Modification or ☐ or Dismissal of No Contact Order, the request is hereby ☐ **granted.**

☐ **denied and the Order shall remain in full force and effect.**

☐ The No Contact Order dated _____ is hereby dismissed.

☐ The No Contact Order dated _____ is modified as follows:

IT IS FURTHER ORDERED that the county sheriff shall immediately enter this

☐ modification into the ILETs computer system.

☐ dismissal into the ILETs computer system.

You are further notified that if a civil protection order is entered pursuant to Idaho's Domestic Violence Prevention Act (Title 39, Chapter 63 of the Idaho Code), it will override any conflicting provision of this No Contact Order. **However, dismissal of a civil protection order shall not result in dismissal of this order.**

You are also notified that this order does not dismiss Orders of No Contact in other criminal cases or orders in other counties or states.

DATED this _____ day of _____, _____.

Judge

c: County Sheriff, Prosecutor, Defendant, Defendant's attorney