

FEB 01 2018

CANYON COUNTY CLERK  
R BULL, DEPUTY

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

<b>Order Amending Electronic</b>	)	<b>ADMINISTRATIVE ORDER</b>
<b>Device Policy (Amending Admin.</b>	)	
<b>Order 2008-4)</b>	)	<b>2018 - 3</b>
_____)		

**WHEREAS**, pursuant to Idaho Code section 1-907, the Administrative District Judge has the “administrative supervision and authority over the operation of the district courts and magistrates in the district;” and

**WHEREAS**, on November 29, 2012, the Idaho Supreme Court Adopted Idaho Court Administrative Rule (I.C.A.R.) 49, effective January 1, 2013, governing Electronic Devices in Court Facilities; and

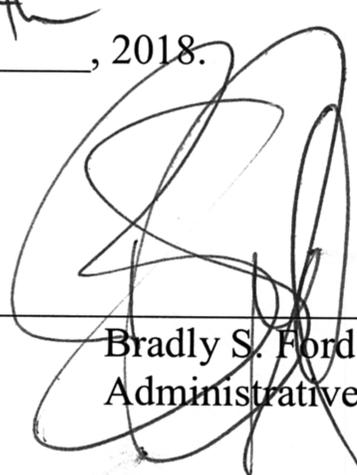
**WHEREAS**, the undersigned and the judges of the Third Judicial District have deemed it appropriate to summarize I.C.A.R. 49 in an administrative order for purposes of posting appropriate notices in Third District court facilities and to augment I.C.A.R. 49 to suit the particular needs of the Third District;

**NOW, THEREFORE**, it is hereby **ORDERED**:

1. Except as provided otherwise in this Order, the terms and provisions of I.C.A.R. 49 shall govern and control the possession and use of electronic devices in court facilities within the Third Judicial District.
2. “Electronic Device,” as used in this Order includes:
  - a. A cellular phone, computer, and any other device that is capable of transmitting, receiving, recording or storing messages, images, sounds, data, or other information, by electronic means;
  - b. A camera, regardless of whether it operates electronically mechanically or otherwise, and regardless of whether it records images by use of digital technology, film, or other means, and including a camera that is incorporated into another electronic device, as defined above.
3. In accordance with I.C.A.R. 49, and subject to security screening procedures and inspection by court personnel, a person may:
  - a. Possess an electronic device in a courthouse and in a courtroom; and
  - b. Use the electronic device for the purpose of taking notes in courtrooms and court facilities and transmitting those notes from the courtroom or court facility.
4. The Administrative District Judge or the presiding judge in any case or courtroom may restrict the carrying and/or use of electronic devices in the courtroom by any person, including court personnel.

5. Except as permitted under I.C.A.R. 45 and 46:
  - a. If an electronic device is capable of recording and/or transmitting sounds, images, or video, such functions shall not be activated while the electronic device is in the courtroom, without the express authorization of the presiding judge; and
  - b. If an electronic device is capable of recording and/or transmitting sounds, images, or video, such functions shall not be activated while the device is in any judicial office or office used or controlled by the Clerk of the District, without the express permission of the Clerk or his/her designee.
6. Electronic devices shall not be used in a manner that interferes with court proceedings, the work of court personnel, or the transaction of court business by other members of the public.
7. An electronic device may not be used to facilitate or to achieve a violation of an order concerning nondisclosure of information to a witness the court has excluded from a courtroom or proceeding.
8. As a general matter, attorneys appearing in a matter before the court, together with the attorneys' support staff, may make reasonable and lawful use of electronic devices in connection with the matter, unless such use is restricted by the Administrative Judge or presiding judge.
9. Jurors shall not possess or carry electronic devices during deliberations. The use of electronic devices by jurors or prospective jurors during their jury service shall be subject to other restrictions as provided by court rules, orders, or instructions.
10. A copy of this Order shall be prominently displayed immediately inside the public entrance to a court facility, in public areas adjacent to courtrooms, and outside or inside the offices of the Clerk of the Court.
11. **Violation of this Order:**
  - a. Any person who violates the provisions of this Order, of I.C.A.R. 49, or any order of the presiding judge regarding the possession or use of electronic devices may be found in contempt of court.
  - b. Security or other court personnel may confiscate and retain an electronic device that is used in violation of this Order. Return of the device shall be subject to further order of the court. No liability shall accrue to the security or other court personnel or any other court official or employee for any loss, misplacement, or damage to a confiscated device.
12. This Order amends Administrative Order 2008-4 and overrides such Order, to the extent Administrative Order 2008-4 is inconsistent with the terms of this Order.

Dated January 29<sup>th</sup>, 2018.

  
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Bradly S. Ford  
Administrative District Judge