

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

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**ADMINISTRATIVE ORDER  
C25-DW.3**

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**ORDER REGARDING RETENTION AND DESTRUCTION OF CRIMINAL RECORDS**

**IT IS HEREBY ORDERED**, pursuant to Rule 38 of the Idaho Court Administrative Rules, that the Clerks of the District Court in each of the counties of the First Judicial District, State of Idaho, shall be and are hereby authorized to destroy all recordings, pleadings, motions, affidavits, and all other written documents of every kind, nature, and description **except**:

- 1.) The register of actions
- 2.) The original and any amended complaint/s
- 3.) The original and any amended information/s
- 4.) The original and any indictment/s
- 5.) All judgments of conviction, acquittal, or dismissal
- 6.) The payment history of any case in which monies are due
- 7.) Notification of the defendant's rights
- 8.) Notification of subsequent penalties
- 9.) Court minutes
- 10.) Notification of intent to destroy exhibit/s
- 11.) Payment history, if money is due

**IT IS FURTHER ORDERED** that additional court records shall be retained pursuant to the terms prescribed by the Idaho Supreme Court and appended to this Order.

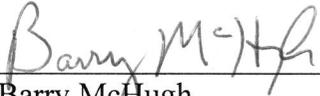
**IT IS FURTHER ORDERED** The documents to be maintained will be preserved indefinitely by preserving the document either in the form of the original signed document or another permanent copy thereof. Unless otherwise provided, the destruction of documents which may be destroyed may occur one (1) year from the expiration of the appeal time, or the determination of an appeal, or the determination of a proceeding following an appeal, whichever is later.

Provided further, this shall not prohibit a Court from releasing, destroying, or disposing of exhibits at any time, or allowing the substitution of copies under such conditions to ensure the existence and availability of the exhibit in the event of an appeal.

**IT IS FURTHER ORDERED** that exhibits offered or admitted in evidence, or any other property used, displayed, or considered in connection with any action may be destroyed or disposed of by the Clerk of the District Court when the same is no longer necessary for the determination of the action or appeal of such action after notice to the parties. Exhibits marked, but not offered at trial, may be returned at the conclusion of the trial to the party who had the exhibit marked.

**IT IS FURTHER ORDERED** that no court records (except exhibits as previously noted) pertaining to a criminal conviction may be destroyed while a defendant is incarcerated or being held in any Idaho state or county institution in connection with the conviction to which the records pertain, nor while a defendant is participating in a court-ordered probation or rehabilitation program or is subject to conditions of parole in connection with the conviction to which the records pertain.

DATED this 7<sup>th</sup> day of March, 2025.

  
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Barry McHugh  
Administrative District Judge

<b><u>Case Type Type of Record</u></b>	<b><u>Minimum Time to Keep Entire Record</u></b>	<b><u>When Destroying, Minimum Record to Preserve</u></b>
Criminal action, including DUI/DWP	1 year from expiration of time for appeal*	<ul style="list-style-type: none"> <li>• ROA</li> <li>• All court minutes</li> <li>• Complaint, Amended Complaint, Indictment, Amended Indictment</li> <li>• Information, Amended Information</li> <li>• Notification of Defendant's Rights</li> <li>• Notification of Subsequent Penalties</li> <li>• All Judgments</li> <li>• Notification of intent to destroy exhibits</li> <li>• Payment history if money is due</li> </ul>
Traffic action, other than DUI/DWP	1 year from expiration for appeal*	If money is due, keep all judgments & payment history otherwise destroy entire file
Infractions	1 year from expiration of time for appeal*	None
Youth Rehabilitation Act, Juvenile Corrections Act	1 year from expiration of time for appeal*	<ul style="list-style-type: none"> <li>• ROA</li> <li>• All court Minutes</li> <li>• Petition/Amended Petition</li> <li>• Acknowledgement of Rights</li> <li>• Any Reports Submitted</li> <li>• Findings of Fact &amp; Conclusions of Law</li> <li>• Final Order, Judgement, Decree</li> <li>• Notification of intent to destroy exhibits</li> <li>• Payment history if money is due</li> </ul>
Recordings & Tapes, Stenographic Records, and all related logs and indexes	Recordings and tapes 5 years from date of hearing; provided, that recordings of any case may be destroyed when the case is eligible for destruction. Stenographic records, related logs and indexes upon settlement of the report's transcript on appeal	None

Trial/Hearing Exhibits - offered, admitted or rejected-	Following 10 days notice to the parties after expiration of time for appeal**	None
Exhibits/Attachments to pleadings filed conventionally pursuant to the following Idaho Rules for Electronic Filing and Service: 5(c) Limits on Exhibits 5(f) Federally Restricted Storage 5(k) Other Documents that cannot be Filed Electronically	1 year from expiration of the time for an appeal *	None

\* or from the determination of an appeal, or from the determination of a proceeding following an appeal, whichever is later. Keep the entire record if the defendant/juvenile is incarcerated, on probation, on parole, or in a rehabilitation program in connection with the conviction in which the records pertain.

\*\* or from the determination of an appeal, or from the determination of a proceeding following an appeal, whichever is later. However, if the sentence imposed was life imprisonment or death, then the exhibits must be kept while the defendant is incarcerated, on probation, on parole, or in a rehabilitation program in connection with the conviction to which the records pertain.