

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

**ADMINISTRATIVE ORDER
H2006-DW.1
Supersedes A.O. H2005-DW.1 which should be discarded**

Order Regarding Adoption of Revised No-Contact Order Form, Regarding Procedure for Entry of No-Contact Orders and Orders Modifying or Terminating Previously Entered No-Contact Orders, and Regarding Dissemination of Such Orders to Law Enforcement Agencies

WHEREAS, Idaho Criminal Rule 46.2 requires that each judicial district shall adopt a no-contact order form by administrative order; and

WHEREAS, the Court, having considered the matter in consultation with various law enforcement agencies, prosecuting attorney's offices, and the Kootenai County Legal Services Department, hereby finds that it is necessary and desirable to adopt a revised no-contact order form; and

WHEREAS, the Court also finds that it is necessary and desirable to promulgate certain requirements governing the entry of no-contact orders and orders modifying or terminating previously entered no-contact orders in the First Judicial District; and

WHEREAS, the Court further finds that it is also necessary and desirable to promulgate a standard procedure for the dissemination of such orders in the First Judicial District;

NOW, THEREFORE, IT IS HEREBY ORDERED that effective immediately, the attached form shall constitute the no-contact order form to be used in the Counties of Benewah, Bonner, Boundary, Kootenai and Shoshone; and

IT IS FURTHER ORDERED that the District Court of the First Judicial District shall employ the following procedure for the entry and dissemination of no-contact orders:

A. Requirements for Entry of No-Contact Orders:

1. References to victims using the victim's initials shall be acceptable. In such instances, a citation number or agency case number shall also be provided.
2. The wording of entries shall be uniform throughout the First Judicial District.

B. Dissemination of No-Contact Orders:

ADMINISTRATIVE ORDER RE: NO-CONTACT ORDERS

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1. All no-contact orders, and all orders of modification or termination of a previously entered no-contact order, shall immediately be faxed to the records department of the sheriff's office in the county of issuance for dissemination to the arresting agency and entry into the Idaho Law Enforcement Telecommunications System (ILETS).
2. To allow for confirmation of receipt of the order(s), all faxed no-contact orders and orders of modification or termination shall be accompanied by a cover letter or cover sheet, which shall include the number of pages included (including the cover letter/sheet).
3. After 5:00 p.m., District Court staff shall fax no-contact orders, modifications and terminations to both the records department of the sheriff's office in the county of issuance and the arresting agency.
4. County jail staff will be responsible for serving no-contact orders on inmates. In such cases, county jail staff should give the arresting agency a courtesy call informing it of service of the order when the inmate is to be released.

ENTERED this 3 day of February, 2006.



Administrative District Judge
First Judicial District, State of Idaho

ADMINISTRATIVE ORDER RE: NO-CONTACT ORDERS

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

STATE OF IDAHO
Plaintiff

Case No. _____

Citation No. _____

vs. _____
Defendant

Arresting Agency _____

DOB _____

NO CONTACT ORDER

Defendant, having been charged with violating Idaho Code Section(s):

- 18-918 Domestic Assault or Domestic Battery
- 18-7905 Stalking
- 18-901 Assault
- 18-903 Battery
- 39-6312 Violation of a Protection Order
- 18-905 Aggravated Assault
- 18-907 Aggravated Battery
- 18-923 Attempted Strangulation
- Other: _____

against the ALLEGED VICTIM(s) _____

THE COURT, having jurisdiction, and having provided the Defendant with notice of his/her opportunity to be heard, either previously or herein, **ORDERS THE DEFENDANT TO HAVE NO DIRECT OR INDIRECT CONTACT WITH THE ALLEGED VICTIM, unless through an attorney.** You may not harass, follow, contact, attempt to contact, communicate with (in any form or by any means including another person), or knowingly go or remain within _____ feet of the alleged victim's person, property, residence, workplace or school. This order is issued under Idaho Code 18-920, Idaho Criminal Rule 46.2 and First District Administrative Order H2006-DW.1

IF THIS ORDER REQUIRES YOU TO LEAVE A RESIDENCE SHARED WITH THE ALLEGED VICTIM, you must contact an appropriate law enforcement agency for an officer to accompany you while you remove any necessary personal belongings, including any tools required for your work. If disputed, the officer will make a preliminary determination as to what are necessary personal belongings; and in addition, may restrict or reschedule the time spent on the premises.

VIOLATION OF THIS ORDER IS A SEPARATE CRIME UNDER Idaho Code 18-920 for which bail will be set by a judge; it is subject to a penalty of up to one year in jail and up to a \$1,000 fine. THIS ORDER CAN ONLY BE MODIFIED BY A JUDGE AND WILL REMAIN IN EFFECT UNTIL 11:59 P.M. ON _____, OR UNTIL THIS CASE IS DISMISSED.

If a **DOMESTIC VIOLENCE (CIVIL) PROTECTION ORDER IS IN PLACE PURSUANT TO IDAHO'S DOMESTIC VIOLENCE CRIME PREVENTION ACT** (Title 39, Chapter 63 of the Idaho Code), the most restrictive of any conflicting provisions between the orders will control; however, entry or dismissal of another order shall not result in dismissal of this order.

NOTICE TO ALLEGED VICTIMS OF RIGHT TO A HEARING: As an alleged victim, you have the right to a hearing before a Judge on the continuation of this Order within a reasonable time of its issuance. To request that hearing, and **TO AVOID GIVING UP THIS RIGHT** you must contact the Clerk of Court, _____ County Courthouse, _____, ID _____. Phone Number (208) _____.

The Clerk of the Court shall give written notification to the records department of the sheriff's office in the county of issuance **IMMEDIATELY** and this order shall be entered into the Idaho Law Enforcement Telecommunications System.

Date of Order

JUDGE

I acknowledge having read and received this order.

Date of Service on Defendant

DEFENDANT

[] Ordered / Served in open court

- Faxed to: Sheriff's Office - Records Department (208) _____ at _____ .m
- Agency _____ (ONLY send to agency if faxing NCO after 5 pm)
- Interoffice to: **Prosecutor:** County PA City PA _____
- Public Defender
- Mailed to: Victim _____
- Defense Attorney _____

[] Jail Booking (fax _____) for service on defendant prior to release from custody (Jail must return defendant's signed copy to court)

Deputy Clerk

Date