

TITLE 19
CRIMINAL PROCEDURE

CHAPTER 36
PROCEEDINGS AGAINST CORPORATIONS

19-3601. ISSUANCE OF SUMMONS. Upon an information or presentment against a corporation, the magistrate must issue a summons signed by him, with his name of office, requiring the corporation to appear before him at a specified time and place, to answer the charge, the time to be not less than ten days after the issuing of the summons.

[(19-3601) 1874, p. 363, sec. 583; R.S., R.C., & C.L., sec. 8222; C.S., sec. 9182; I.C.A., sec. 19-3501.]

19-3602. FORM OF SUMMONS. The summons must be substantially in the following form:

County of (as the case may be):

The state of Idaho to the (naming the corporation):

You are hereby summoned to appear before me at (naming the place), on (specifying the day and hour), to answer a charge made against you upon the information of A.B. (or the presentment of the grand jury of the county, as the case may be), for (designating the offense generally).

Dated at the city or precinct of...., this.... day of....,.....

G.H., [District Judge] [Magistrate Judge].

(Or as the case may be.)

[(19-3602) Cr. Prac. 1874, sec. 584; R.S., R.C., & C.L., sec. 8223; C.S., sec. 9183; I.C.A., sec. 19-3502; am. 2002, ch. 32, sec. 7, p. 49; am. 2012, ch. 20, sec. 11, p. 68.]

19-3603. SERVICE OF SUMMONS. The summons must be served at least five days before the day of appearance fixed therein, by delivering a copy thereof and showing the original to the president or other head of the corporation, or to the secretary, cashier or managing agent thereof.

[(19-3603) 1874, p. 363, sec. 585; R.S., R.C., & C.L., sec. 8224; C.S., sec. 9184; I.C.A., sec. 19-3503.]

19-3604. EXAMINATION OF CHARGE. At the appointed time in the summons the magistrate must proceed to investigate the charge in the same manner as in the case of a natural person, so far as these proceedings are applicable.

[(19-3604) 1874, p. 363, sec. 586; R.S., R.C., & C.L., sec. 8225; C.S., sec. 9185; I.C.A., sec. 19-3504.]

19-3605. CERTIFICATE OF MAGISTRATE. After hearing the proofs, the magistrate must certify upon the deposition, either that there is or is not sufficient cause to believe the corporation guilty of the offense charged, and must return the deposition and certificate to the clerk of the district court of the county.

[(19-3605) 1874, p. 363, sec. 587; R.S., R.C., & C.L., sec. 8226; C.S., sec. 8196; I.C.A., sec. 19-3505.]

19-3606. INVESTIGATION BY GRAND JURY. If the magistrate returns a certificate that there is sufficient cause to believe the corporation guilty of the offense charged, the grand jury may proceed thereon as in case of a natural person held to answer.

[(19-3606) 1874, p. 363, sec. 588; R.S., R.C., & C.L., sec. 8227; C.S., sec. 9187; I.C.A., sec. 19-3506.]

19-3607. APPEARANCE AND PLEA. If an indictment is found, the corporation may appear by counsel to answer the same. If it does not thus appear, a plea of not guilty must be entered, and the same proceedings had thereon as in other cases.

[(19-3607) 1874, p. 363, sec. 589; R.S., R.C., & C.L., sec. 8228; C.S., sec. 9188; I.C.A., sec. 19-3507.]

19-3608. COLLECTION OF FINE. When a fine is imposed upon a corporation on conviction, it may be collected by virtue of the order imposing it by the sheriff of the county, out of its real and personal property, in the same manner as upon an execution in a civil action.

[(19-3608) 1874, p. 363, sec. 590; R.S., R.C., & C.L., sec. 8229; C.S., sec. 9189; I.C.A., sec. 19-3508.]