

TITLE 19
CRIMINAL PROCEDURE

CHAPTER 12
PRESENTMENT AND PROCEEDINGS THEREON

19-1201. PRESENTMENT, HOW FOUND. A presentment cannot be found without the concurrence of at least twelve (12) grand jurors. When so found, it must be signed by the foreman.

[(19-1201) Cr. Prac. 1864, sec. 216, p. 239; R.S., R.C., & C.L., sec. 7647; C.S., sec. 8802; I.C.A., sec. 19-1101.]

19-1202. MUST BE PRESENTED TO COURT. The presentment, when found, must be presented by the foreman, in presence of the grand jury, to the court, and must be filed with the clerk.

[(19-1202) Cr. Prac. 1864, sec. 217, p. 239; R.S., R.C., & C.L., sec. 7648; C.S., sec. 8803; I.C.A., sec. 19-1102.]

19-1203. COURT MAY ORDER BENCH WARRANT. If the facts stated in the presentment constitute a public offense, triable in the county, the court must direct the clerk to issue a bench warrant for the arrest of the defendant.

[(19-1203) Cr. Prac. 1864, sec. 220, p. 239; R.S., R.C., & C.L., sec. 7649; C.S., sec. 8804; I.C.A., sec. 19-1103.]

19-1204. ISSUANCE OF BENCH WARRANT. The clerk, on the application of the judge or prosecuting attorney, may accordingly, at any time after the order, whether the court be sitting or not, issue a bench warrant under his signature and the seal of the court into one or more counties.

[(19-1204) Cr. Prac. 1864, sec. 221, p. 239; R.S., R.C., & C.L., sec. 7650; C.S., sec. 8805; I.C.A., sec. 19-1104.]

19-1205. FORM OF BENCH WARRANT. The bench warrant, upon presentment, must be substantially in the following form:

County of The state of Idaho to any sheriff, constable, marshal or policeman in this state: A presentment having been made on the day of, to the district court of the county of, charging C.D. with the crime of, (designating it generally) you are therefore commanded forthwith to arrest the above named C.D., and take him before E.F., a magistrate of this county, or in case of his absence or inability to act, before the nearest and most accessible magistrate in this county. Given under my hand with the seal of said court affixed, this day of,

By order of the court.

(Seal.)

G.H., Clerk.

[(19-1205) Cr. Prac. 1864, sec. 222, p. 239; R.S., R.C., & C.L., sec. 7651; C.S., sec. 8806; I.C.A., sec. 19-1105; am. 2007, ch. 90, sec. 10, p. 251.]

19-1206. SERVICE OF BENCH WARRANT. The bench warrant may be served in any county, and the officer serving it must proceed thereon as upon a warrant of arrest on an information.

[(19-1206) Cr. Prac. 1864, sec. 223, p. 239; R.S., R.C., & C.L., sec. 7652; C.S., sec. 8807; I.C.A., sec. 19-1106.]

19-1207. PROCEEDINGS OF MAGISTRATE. The magistrate, when the defendant is brought before him, must proceed upon the charges contained in the presentment, in the same manner as upon a warrant of arrest on an information.

[(19-1207) Cr. Prac. 1864, sec. 224, p. 239; R.S., R.C., & C.L., sec. 7653; C.S., sec. 8808; I.C.A., sec. 19-1107.]