

FILED

2008 MAY 15 P 3:15

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

[Handwritten signature]
CLERK OF THE DIST. COURT
DEPUTY

ADMINISTRATIVE ORDER 2008 – 5

**REGARDING PEACE OFFICER WEAPONS
IN COURTROOMS IN NEZ PERCE COUNTY**

This Administrative Order is issued pursuant to §14 of the Idaho Supreme Court’s Administrative Order of August 4, 2005, which authorizes the Administrative District Judge to “develop plans and procedures for insuring the security of courthouses and courtrooms, and [to] address security concerns identified by the district judges, magistrate judges or other court personnel.”

After consultation with the district and magistrate judges, and with state and local law enforcement officials who have expressed concerns regarding the Court’s prior policy prohibiting uniformed peace officers from carrying their duty weapons within the courtrooms of Nez Perce County;

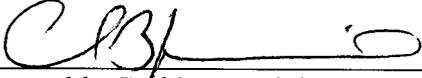
IT IS HEREBY ORDERED:

1. That unless directed otherwise by the presiding judge in a particular proceeding, uniformed peace officers are hereby authorized to carry their duty weapons in courtrooms in Nez Perce County when acting within the scope of their official duties; that such duties may include testifying in their official capacity, providing courtroom security, accompanying prisoners or witnesses, or other official duties as assigned; provided that there shall be no visible firearms when peace officers are testifying before a jury, subject to the presiding judge’s power to permit it;

2. That for purposes of this order, “peace officer” means an employee in active service of a police or law enforcement agency with the State of Idaho or a political subdivision thereof, whose duties include and primarily consist of the prevention and detection of crime and the enforcement of penal, traffic or highway laws of this state or any political subdivision, and includes appointed chiefs of police and elected sheriffs, as well as constables, marshals, correctional officers, fish and game officers, duly appointed peace officers of Washington state, and employees of a police or law enforcement agency of a federally recognized Indian tribe who have satisfactorily completed the peace officer standards and training academy and who have been deputized by the sheriff of a county or the chief of police of a city of the state of Idaho;

3. That, unless directed otherwise by the presiding judge in a particular proceeding, peace officers who are not in uniform may carry their concealed duty weapons in the courtroom when acting within the scope of their official duties;
4. That court officers or bailiffs who are employed by the Nez Perce County Sheriff and assigned to courthouse security duties are authorized to carry visible weapons in the courtrooms at all times during the performance of their official duties, including in the presence of a jury, subject to the direction of the presiding judge; and
5. That no peace officer, court officer, or bailiff is authorized to carry a weapon of any kind, whether concealed or openly displayed, when in court in a personal or otherwise unofficial capacity.

5-15-08
Date



Honorable Carl B. Kerrick,
Administrative District Judge