

**UNITED STATES DISTRICT AND BANKRUPTCY COURT  
FOR THE DISTRICT OF IDAHO**

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**Cameron S. Burke**  
Court Executive/Clerk of Court

November 20, 2008

**Memorandum**

To: Members of the Bar and Public  
From: Cameron S. Burke, Court Executive  
Subject: **Amendments to Federal Rules of Criminal Procedure**

The Supreme Court of the United States has approved the following amendments to the Federal Rules of Criminal Procedure, which will take effect on December 1, 2008.

**Criminal Rules:** 1, 12.1, 17, 18, 32, 41, 45, 60, and 61.

**Summary of Rules:** (please refer to the following hyperlink for full text of the changes)  
<http://www.uscourts.gov/rules/supct0408.html>

[Criminal Rule 1](#) (Scope; Definitions) (incorporates definition of "crime victim" from the Crime Victims' Rights Act)

[Criminal Rule 12.1](#) (Notice of Alibi Defense) (provides that a victim's address and telephone number should not automatically be provided to the defense when an alibi defense is raised)

[Criminal Rule 17](#) (Subpoena) (requires court approval when defendant subpoenas third party to provide personal or confidential information about a victim. Also requires notice of subpoena to victim and opportunity to quash or modify it)

[Criminal Rule 18](#) (Place of Trial) (requires court to consider convenience of victims as well as defendants and witnesses when setting place for trial within the district)

[Criminal Rule 32](#) (Sentencing and Judgment) (several amendments implementing the Crime Victims' Rights Act)

[Criminal Rule 41](#) (Search and Seizure) (authorizes magistrate judges to issue search warrants for property located outside any state or federal judicial district, including U.S. territories, possessions, and commonwealths not within a federal judicial district as well as certain premises associated with U.S. diplomatic and consular missions)

[Criminal Rule 45](#) Criminal Rule 45 (Computing and Extending Time) (technical amendment that revises cross references to Civil Rule 5)

[Criminal Rule 60](#) (Victim's Rights) (consolidates in one rule new provisions implementing the Crime Victims' Rights Act, including notice to victims of judicial proceedings, victim attendance at these proceedings, victim's right to be heard, and enforcement of victims' rights. Also incorporates statutory provisions limiting relief and states that failure to provide relief under the rule is not a basis for a new trial)

[Criminal Rule 61](#) (Title) (conforming amendment)

\* You might recall that **Federal Rule of Evidence 502** became effective on September 19, 2008.

[Evidence Rule 502](#) (Attorney-Client Privilege and Work Product; Limitations on Waiver) (waiver of attorney-client privilege and work product protection)