

**PENAL CODE
GRAND CHAPTER OF IDAHO**

**ARTICLE I
OFFENSES**

Every violation of the obligation of the Order or of the established laws, usages, and customs thereof, and every action whatsoever involving moral turpitude by a member of the Order of the Eastern Star, is an offense against this Order for which the offender may be subjected to such lawful punishment as the tribunal having jurisdiction in the case shall adjudge.

**ARTICLE II
JURISDICTION**

All chartered Chapters in this jurisdiction shall have full power and authority to exercise penal jurisdiction over all members of the Order, affiliated or non-affiliated, residing or sojourning within their several jurisdictions over offenses enumerated in Article I, Section 1, of this Penal Code.

No Chapter shall have penal jurisdiction of a member of the Order until it shall have been regularly chartered and its officers duly elected and installed: Provided, that when any offense shall be committed within the jurisdiction of a chapter under dispensation by one not a member of a contiguous Chapter, the matter shall be referred by the Worthy Matron to the Worthy Grand Matron, who shall have power to direct what Chapter has penal jurisdiction.

**ARTICLE III
TRIBUNAL**

Section 1. All trials shall be by a five (5) member commission, consisting of Worthy Matrons or Worthy Patrons, or Past Matrons and Past Patrons, from Chapters other than that of which the accused or accuser are members, and not more than two (2) of whom shall be members of the same Chapter.

Section 2. The Worthy Grand Matron shall appoint all commissions and set the date and place of the trial.

Section 3. The Worthy Grand Matron shall notify each member of their appointment and shall furnish the Worthy Matron and Secretary of the Chapter in which the trial is to be held with a list of the members appointed, giving their addresses. Upon receipt of the names of the members of the commission, the Secretary of the Chapter shall notify each member of the commission of the date and place of the trial as set by the Worthy Grand Matron.

Section 4. The entire proceedings of the trial shall fall within the jurisdiction of the commission, who shall select a chairman and secretary from their number, all rules of procedure as found in this Penal Code are applicable and shall govern the trial, in so far as it is possible or practical to apply them. The commission shall have power, in its judgment, to exclude from the trial all members except those necessary for the prosecution of the trial; except in the case of the Chapter Worthy Matron, Worthy Patron and Secretary.

Section 5. The expenses of such commission shall be borne by the Chapter for which the trial is held.

ARTICLE IV CHARGES

Section 1. No penalties can be inflicted without charges, specifications, notice and trial in due form. Charges shall be made in writing (so far as proper to be written), signed by the accuser, and filed with the Secretary of the Chapter. The offense must be clearly specified, with time, place and particulars. A general charge of misconduct, without specifications shall not be received.

Section 2. Charges may be preferred only by an affiliated member in good standing. The Worthy Matron, whenever she shall deem it proper, may direct the Associate Conductress to prefer charges.

Section 3. Charges must be filed against a member at a regular meeting within three (3) years after the offense has been committed and action on said charges must be taken at the next subsequent stated meeting. The Secretary shall read the said charges in open Chapter. After such reading the charges shall not be amended except by permission of the person who filed the charges and the Worthy Matron, in open Chapter.

ARTICLE V SERVICE OF NOTICE AND SUMMONS

Section 1. The accused shall be served with a true copy of all charges, together with summons, requiring an appearance and answer, at such time and place as the Worthy Grand Matron shall have directed.

Section 2. The copy and summons may be served by any member of the Chapter; they shall be delivered to the accused in person at least ten (10) days before the time of trial. Provided, however, that if such personal service is not possible or practical and permission is obtained from the Worthy Grand Matron, charges and summons may be sent by certified mail to the last known post office address of the accused at least thirty (30) days prior to the day of trial, and this shall be deemed sufficient notice. If the residence of the accused be unknown to the members of the Chapter, the trial may be held ex parte.

ARTICLE VI ANSWER

Section 1. The answer (guilty or not guilty) of an accused may be given orally or in writing, and in either case shall be forthwith recorded by the Secretary.

Section 2. If the accused neglect or refuse to answer, a plea of "not guilty" shall be recorded, and the trial shall proceed in all things as though an answer had been filed.

ARTICLE VII COUNSEL

Section 1. Either the accuser or the accused may choose counsel, provided that none but members in good standing shall appear as such.

Section 2. If the accused do not appear, the commission Chair shall appoint counsel for the defense, whose duty it shall be to see that the trial is fairly conducted and the accused not unjustly imperiled.

Section 3. A member of the Order under suspension can only appear in the Chapter by counsel, but may appear personally at all meetings of the commissioners in the case.

ARTICLE VIII EVIDENCE

Section 1. The witnesses in all Eastern Star trials, whether members or not, shall be persons who have the use of their reason and such religious belief as to feel the obligation of an oath, and who have not been convicted of any infamous crime.

Section 2. The testimony of members in good standing shall be taken upon their honor and obligation, and shall be given at the time of the trial. Provided that should any such witnesses be unable, through sickness or other disability, to attend the Worthy Grand Matron, prior to the trial, may appoint a commission, of not less than three (3) members, to receive their testimony; provided that the evidence shall be reduced to writing and shall be read in full before the trial commission.

Oath: *Do you solemnly swear to give truthful testimony upon your honor and in accordance with your obligation as a member of the Order of the Eastern Star?*

Response: *I do.*

Section 3. The testimony of non-members, and of members under sentence of suspension or expulsion, shall be taken under oath and before a commission of not less than three (3) members, to be appointed by the Worthy Grand Matron.

Oath: *Do you solemnly swear to give truthful testimony upon your honor?*

Response: *I do.*

Section 4. In all cases of the appointment of commissioners they shall give the accuser and the accused, or their counsel, proper and timely notice of the time and place of their meeting for the taking of testimony.

Section 5. If there be material testimony which can not be produced before the commissioners, the same may be taken at such other reasonable time and place, and before such other competent person or persons as the Worthy Grand Matron may order, proper notice being given the accuser and the accused as above specified.

Section 6. All testimony proper to be written shall be reduced to writing by the Commission Secretary, who shall fully and carefully record all proceedings pertaining to the trial, and shall carefully file and preserve in the archives of the Chapter all papers relating to the case.

ARTICLE IX DELIBERATION

Section 1. Upon the conclusion of testimony and arguments, all persons other than the members of the commission shall retire and the doors shall be closed for deliberation. The secretary of the commission shall record the action of the commission, with reference to the guilt or innocence of the accused, the penalty imposed, and certify the same in writing to the Worthy Matron and the Secretary of the Chapter.

ARTICLE X JUDGMENT

Section 1. The deliberation being concluded the commission shall proceed to pass upon the guilt or innocence of the accused.

Section 2. The vote of the commission shall be taken upon each specification, beginning with the first, and shall be upon the question, "**Is the accused guilty or not guilty as charged in the first (second, etc.) specification?**" and finally, "**Is the accused guilty as charged in the general indictment?**"

Section 3. The result of the ballot upon each specification and the general charge shall be recorded by the Secretary of the commission in regular order, with the numbers severally cast for conviction and acquittal. The commission may convict or acquit on a part or all of the specifications, as they shall deem just.

Section 4. The vote of the commission shall be taken by secret ballot. The accused shall be declared acquitted unless three (3) members of the commission vote for conviction.

Section 5. If the accused be acquitted in the general indictment, the judgment of the commission shall be immediately declared and recorded, and the proceedings absolutely terminated so far as regards any further action of the commission. There can be no reconsideration of the vote or recasting of the ballot. The only remedy is by appeal to the Grand Chapter.

ARTICLE XI PENALTY

Section 1. If the accused be convicted, the vote shall immediately be taken upon the penalty in the following order beginning with the highest and descending until the requisite vote shall be given to declare the sentence

First -- Expulsion
Second -- Suspension
Third -- Finite Suspension
Fourth -- Reprimand

Section 2. The vote on each penalty shall be by secret ballot, and shall be regulated by similar rules as in passing judgment. If the sentence is finite suspension, the commission shall by a majority vote, fix the duration of the term of suspension.

Section 3. The result of the ballot upon each penalty shall be entered at large upon the record, with the number of votes for and against in each instance, and in the order in which the proceedings occur.

Section 4. At the conclusion of the ballot upon the penalty, the accuser and the accused, with their counsel, the Chapter Worthy Matron, Worthy Patron and Secretary shall be readmitted and the Chair shall at once announce the result and pronounce the penalty.

Section 5. All cases of expulsion and suspension shall be reported to the Grand Secretary and to all Constituent Chapters; and if the person expelled or suspended was a member of another Chapter than the one in which the trial occurs, the Chapter holding the membership shall be immediately notified of the sentence and the cause of the same.

Section 6. Within thirty (30) days after trial the Secretary of the Chapter in which such trial was held shall transmit to the Grand Secretary (to be laid before the Grand Chapter) a complete transcript of the same, with a copy of all evidence heard therein.

ARTICLE XII APPEALS

Section 1. The accused, or any member of the Chapter, may appeal to the Grand Chapter from the decision of the trial Commission.

Section 2. All appeals shall be in writing, shall set forth clearly the grounds upon which the appellant seeks redress, and notice thereof must be given in writing to the Secretary of the Chapter within thirty (30) days after the appellant shall have received notice of the decision from which the appeal is taken.

Section 3. Upon receipt of the notice of appeal, the Secretary shall immediately transmit it to the Grand Secretary. She shall also record upon the minutes the receipt of the notice of appeal and the date of her return to the Grand Chapter.

Section 4. The appeal shall be prosecuted at the first annual session of the Grand Chapter after the time limited for taking the same shall have expired.

Section 5. The appeal shall be made in writing, and may be in the following form

I, _____, a member of the O.E.S. and a member of _____ Chapter No. _____, do declare upon my honor as a member of the Order, that I feel materially aggrieved by your decision in the case of _____ and for rehearing of the case, and to the end that justice may be done in the matter, do take my appeal to the Grand Chapter for the following reasons _____.

Section 6. After a due investigation of the case, the Grand Chapter may, by a majority vote

First ----- Affirm the decision appealed from

Second -- Reverse the decision

Third ----- Modify or change the decision

Fourth --- Award a new trial

Section 7. The reversal of a decision restores the accused to the standing she/he held before the same was rendered.

Section 8. If a new trial be awarded, the standing of the accused shall be, in the meantime, that of a member under charges, and as though no trial had been had.

Section 9. From the taking of an appeal until its determination by the Grand Chapter, the standing of the accused (if suspended or expelled) shall be that of a member under charges, and shall be debarred during said time from sitting in Chapter.

Section 10. When an appeal is taken from the decision of a Commission the same shall be referred to the Committee on Appeals and Grievances, whose duty it shall be to review the case and recommend to Grand Chapter such action as they deem proper.

ARTICLE XIII RESTORATION

Section 1. A member under sentence of definite suspension is restored at the termination of the period for which suspended, to all the rights and privileges of the Order without any action of the Chapter or of the accused.

Section 2. A suspended or an expelled member can be reinstated only by a majority vote of the Grand Chapter, and then only upon the recommendation of a two-thirds (2/3) vote of the Chapter from which the member was expelled or suspended; provided, such Chapter be still in existence. If the Chapter from which the member was expelled or suspended is not in existence; then only action by the Grand Chapter is required.

ARTICLE XIV GRAND CHAPTER TRIALS

Section 1. Charges against a Chapter or a Worthy Matron shall only be referred to the Grand Chapter in session, or to the Worthy Grand Matron in recess.

Section 2. All such charges shall be in writing; and when referred to the Worthy Grand Matron in recess, she shall direct the Grand Secretary to forthwith serve the accused with a certified copy thereof and a summons to appear and answer the same at the next session of the Grand Chapter.

Section 3. Trials in the Grand Chapter shall be conducted, as far as practicable, under the same rules as a trial in a Constituent Chapter; provided, that all judicial action in the Grand Chapter shall be taken as the Worthy Grand Matron may direct; and provided, further, that the Worthy Grand Matron shall be the sole judge of the sufficiency of the service of all notices, orders and papers, of whatsoever kind.

ARTICLE XV AMENDMENTS

Section 1. All propositions to amend the Penal Code shall be introduced in writing, signed by two (2) members of this Grand Chapter and received by the Grand Secretary no later than March 25th prior to the annual Grand Chapter session.

Section 2. This Penal Code shall not be suspended except by unanimous consent of the Grand Chapter.

TO WORTHY MATRONS AND SECRETARIES OF CONSTITUENT CHAPTERS

The foregoing Penal Code should be carefully studied and strictly followed in all Chapter trials and in the report thereof to the Grand Chapter.

PENAL CODE CHECKLIST

In all cases for Eastern Star offenses, the following steps should be carefully followed:

- First -** Written charges must be filed with the Secretary and read in open Chapter
ARTICLE IV
- Second -** Worthy Grand Matron must appoint commission and fix date for trial
ARTICLE III
- Third -** Secretary must issue summons, showing time and place of trial
ARTICLE V
- Fourth -** The copy and summons may be served by any member of the Chapter
ARTICLE V
- Fifth -** Answer of the accused
ARTICLE VI
- Sixth -** Introduction of evidence
ARTICLE VIII
- Seventh -** Deliberation of trial commission
ARTICLE IX
- Eighth -** Judgment of trial commission
ARTICLE X
- Ninth -** Penalty if convicted
ARTICLE XI
- Tenth -** Within thirty (30) days the Secretary of the Chapter shall transmit to the Grand Secretary complete transcript.
ARTICLE XI
- Eleventh -** Appeal process
ARTICLE XII

FORMS UNDER EASTERN STAR PENAL CODE

General Form Instructions

Title. All proceedings for misconduct should be entitled in the name of the Chapter against the accused member.

Testimony. The testimony taken on the trial shall be reduced to writing and carefully preserved. The purpose being that all the testimony used on trial shall become a part of the record.

The record of the testimony of each witness shall be commenced as follows:

_____, a member of the Order of the Eastern Star, a witness on behalf of the accuser (or accused, as the case may be), testified as follows:

Or, _____, a non-member, a witness on behalf of the accuser (or accused), on oath duly administered, testified as follows:

No. 1

Form of Charges for Eastern Star Offenses

Charges should be definite, so as to allow the accused the opportunity to defend specifically, yet there are cases that do not require specifications of time and place, as the evidence will determine that, and the accused can question the witness and elicit the truth.

The charges should be substantially in the following form:

To the Worthy Matron, Officers and Members of _____ Chapter No. _____, O.E.S.:

I hereby charge _____, a member of this Chapter (or a "non-affiliated member residing within the jurisdiction of this Chapter, (or "a member of _____ Chapter No. _____" as the case may be) with offense against this order in this, to-wit:

Specification First. For that the said _____, on or about the _____ day of _____ A.D., _____, did (here state the facts constituting the offense, in ordinary and concise language).

Specification Second. For that the said, etc. (proceed in the same manner as in the first specification).

Dated this _____ day of _____ A.D., _____.

(Signed) _____,

Associate Conductress (or by an affiliated member in good standing)

No. 2

If the offense is a continuation of the same or like acts, such as habitual drunkenness or profanity, the statement may be thus:

For that the said _____, on or about the _____ day of _____ A.D., _____, and habitually from that date to the present time did, etc.

No. 3

If different offenses are intended to be charged, each offense must be set forth in a separate charge, and after the first may commence thus:

I hereby further charge the said _____ with (specifying the facts of the offenses as before explained).

The charges must be signed by the accuser and delivered to the Secretary of the Chapter, who should mark the same filed thus:

Filed this _____ day of _____ A.D., _____.

No. 4

The attestation of the charges by the Secretary may be as follows:

I hereby certify the foregoing to be a true copy of the original charges on file in my office.

In witness whereof, I hereunto set my hand and affix the seal of the Chapter this _____ day of _____ A.D., _____.

(Signed) _____,
Secretary

No. 5

Form of Summons

The summons shall be substantially in the following form:

To _____ (name of accused):

You are hereby notified that at a stated meeting of _____ Chapter No. _____, O.E.S., held on the _____ day of _____, A.D., _____, charges were preferred against you, an attested copy of which is hereto annexed, and that the trial thereof will be held at _____ on _____ day of _____ A.D., _____, commencing at _____ o'clock p.m., at which time and place you are hereby summoned to appear and make defense thereto. Given under my hand and seal of the Chapter this _____ day of _____ A.D..

(Signed) _____,
(seal) Secretary

No. 6

Certificate of Personal Service

I hereby certify that on the _____ day of _____, A.D. _____ (not less than ten (10) days before the trial)

I delivered to _____, personally, the original summons, of which the within is a copy, together with an attested copy of the charges therein referred to.

(Signed) _____

No. 7

Certificate of Service by Mail

I hereby certify that on the _____ day of _____ A.D., _____, I forwarded by mail to _____, the original summons, of which the within is a copy, together with an attested copy of the charges therein referred to, addressed to _____, in the State of _____, where the accused resides.

Dated this _____ day of _____ A.D., _____.

(Signed) _____,
Secretary

No. 8

Caption of Transcript

To the Grand Chapter, O.E.S. of Idaho:

In the Matter of _____ Chapter No. _____, O.E.S.

Against _____, Charged with _____.

No. 9

Transcript to Grand Chapter

Masonic Hall, (name of place) _____ A.D., _____

Regular meeting of _____ Chapter No. _____, O.E.S.

Present: (here insert names of officers and members present)

The Chapter was opened in due form, whereupon, among other proceedings, the Secretary read to the Chapter the following: (here copy the charges preferred). And afterward, on the _____ day of _____, A.D. 20____, I forwarded said charges to the Worthy Grand Matron who thereupon appointed (here insert the commission members, date and time fixed) for the purpose of the trial of said _____ on said charges.

And afterwards, to-wit: on the _____ day of _____, A.D., _____, I served (or caused to be served) on the accused an attested copy of said charges, and the following summons: (here copy the summons).

And afterwards, on the _____ day of _____, A.D., _____ said summons was filed in my office with the following return of service thereon: (Here copy the Certificate of Service of summons as per forms No. 6 or No. 7).

Here insert the complete transcript of the trial, as described in ARTICLE XI Section 6 of the penal code.

Signed: (seal) _____,
Secretary

If an appeal be taken, the transcript should proceed thus:

And afterwards, to wit: On the _____ day of _____ A.D., _____, there was filed in my office the following notice of appeal: (here copy notice of appeal)

On said notice of appeal is the following certificate of service thereof. (here copy service or acceptance of notice).

The Secretary will then add her certificate in the following form:

Hall of _____ Chapter No. _____, O.E.S.
_____ A.D., _____

I, _____, Secretary of Chapter No. _____, O.E.S., hereby certify that the above and foregoing is a true and correct transcript of the charges, proceedings had, and evidence given in the trial of the case of _____, Chapter No. _____ against _____, on charges above set out.

Given under my hand and the seal of said Chapter hereto affixed this _____ day of _____, A.D., _____.

(Seal) _____, Secretary.

The full and complete transcript of each separate case must be sent to the Grand Secretary, and must not include two persons in same charge or transcript. All papers should be duly attested by the Chapter Seal.