

## **CHAPTER 29-03 LOCAL JURISDICTION OF PUBLIC OFFENSES**

### **29-03-01. Crime commenced without this state and consummated within state.**

When the commission of a public offense, commenced without this state, is consummated within its boundaries, and the defendant is liable to prosecution as provided in section 29-03-01.1, the venue is in the county in which the offense is consummated, or in which the offenders are apprehended.

**29-03-01.1. When persons liable to prosecution in this state.** Any person who commits one or more of the following acts is liable to prosecution under the laws of this state:

1. Commission of a robbery or theft outside this state and bringing the stolen property into this state.
2. Soliciting, while outside this state, criminal action within this state.
3. Soliciting, while outside this state, sexual contact with a person believed to be a minor who at the time of the solicitation is located in this state.
4. Commission of kidnapping or felonious restraint when the victim is brought into this state.

**29-03-02. Duel without this state, causing death within - Jurisdiction where death occurs.** When an inhabitant or resident of this state, by previous appointment or engagement, fights a duel or is concerned as a second or surgeon therein, out of the jurisdiction of this state, and in the duel a wound is inflicted upon a person from which the person dies in this state, the jurisdiction of the offense is in the county where the death occurs.

**29-03-03. Inhabitant leaving to evade law - Jurisdiction in county of residence.** When an inhabitant or resident of this state leaves the same for the purpose of evading the operation of the provisions of the statutes relating to dueling, and challenges to fight, with the intent or for the purpose of doing any of the acts prohibited therein, the jurisdiction is in the county of which the offender was an inhabitant or resident when the offense was committed.

**29-03-04. Part committed in different counties - Jurisdiction in either.** When a crime or public offense is committed in part in one county and in part in another, or when the acts or effects thereof constituting, or requisite to the consummation of, the offense occur in two or more counties, the jurisdiction is in either or any of said counties.

**29-03-05. Committed near boundary - Jurisdiction in either.** When a public offense is committed on the boundary of two or more counties, or within five hundred yards thereof, the jurisdiction is in either county.

**29-03-06. On board vessel - Jurisdiction in any county traversed.** When an offense is committed in this state on board a boat or vessel navigating or lying in a river, lake, or canal, in the prosecution of the voyage, the jurisdiction is in any county through which the vessel is navigated in the course of the voyage, or in the county where the voyage terminates.

**29-03-07. Venue of offense in or against aircraft.** Subject to section 29-01-33, any person who commits an offense in or against any aircraft while it is in flight over this state may be tried in any county in this state.

**29-03-08. Venue of offenses committed on railroad train or other vehicle.** Subject to section 29-01-33, when an offense is committed on a railroad train or other vehicle while in the course of a trip, the trial may be in any county through which the train or other public vehicle passed during the trip.

**29-03-09. Venue of kidnapping, forcible restraint, unlawful imprisonment, electronic luring, or prostitution cases.** The venue of a criminal action for any of the following offenses is in any county in which the offense is committed, or into or out of which the individual upon whom the offense was committed may have been brought, in the course of the commission of the offense, or in which an act was done by the accused in instigating, procuring, promoting, soliciting, or facilitating the commission of the offense:

1. Kidnapping, forcible restraint, or unlawful imprisonment, in violation of chapter 12.1-18;
2. A violation of section 12.1-29-01, 12.1-29-02, or 12.1-29-03 relating to prostitution; or
3. Luring a minor by computer or other electronic means in violation of section 12.1-20-05.1.

**29-03-10. Venue of burglary, robbery, or theft cases - Property taken from one county to another.** When property taken in one county by burglary, robbery, or theft has been brought into another county, the venue of the offense is in either county.

**29-03-11. Treason - Overt act without state.** The jurisdiction of a criminal action for treason, when the overt act is committed out of this state, is in any county of the state.

**29-03-12. Jurisdiction of accessory in county where committed.** In the case of an accessory in the commission of a public offense, the jurisdiction is in the county where the offense of the accessory was committed, notwithstanding the principal offense was committed in another county.

**29-03-13. Conviction or acquittal in another state bar to prosecution.** When an act charged as a public offense is within the jurisdiction of another state, country, or territory as well as in this state, a conviction or acquittal thereof in the former is a bar to a prosecution or indictment therefor in this state.

**29-03-14. Conviction or acquittal in another county a bar in another.** When an offense is in the jurisdiction of two or more counties, a conviction or acquittal thereof in one county is a bar to a prosecution or indictment thereof in another.

**29-03-15. Escaping from penitentiary - Jurisdiction in Burleigh County.** Repealed by S.L. 2001, ch. 131, § 3.

**29-03-16. Escaping from jail - Jurisdiction where jail located.** Repealed by S.L. 2001, ch. 131, § 3.

**29-03-17. Bringing stolen property into state.** The jurisdiction of a criminal action for stealing in any state, country, or territory, the property of another, or receiving it, knowing it to have been stolen, and bringing the same into this state, is in any county into which such stolen property has been brought.

**29-03-18. Murder or manslaughter.** The jurisdiction of a criminal action for murder or manslaughter, when the injury which caused the death was inflicted in one county and the party injured dies in another or out of the state, is in the county where the injury was inflicted.

**29-03-19. Action against a principal not present.** The jurisdiction of a criminal action against a principal in the commission of a public offense, when such principal is not present at the commission thereof, is in the county in which it would be under this title, if the principal were present and aiding and abetting therein.

**29-03-20. Prizefighting violations - Jurisdiction.** The jurisdiction of a criminal action for the violation of section 53-01-19 is in any county:

1. In which any act is done toward the commission of the offense;
2. Into, out of, or through which the offender passed to commit the offense; or
3. Where the offender is arrested.

**29-03-21. When mailing of letter is criminal - Venue.** In those cases in which the sending of a letter is made an offense, the offense is deemed completed when the letter is deposited in any post office or postal receptacle, or delivered to any person with intent that it be forwarded. The person sending the letter may be tried in any county in which the letter is so deposited or delivered, or in the county in which it is received by the addressee.

**29-03-22. Venue of multiple theft offenses involving credit cards.** If any of a series of thefts can be charged as one offense for purposes of grading under subsection 6 of section 12.1-23-05, if each of those thefts involved the use of a credit card, and if the total value of the property or services stolen is at least fifty dollars, venue for the criminal action, in which the series of thefts is charged as one offense, is in any county where any of the thefts was committed.