

TITLE 19
CRIMINAL PROCEDURE

CHAPTER 3
LOCAL JURISDICTION OF PUBLIC OFFENSES

19-301. ALL OFFENDERS LIABLE TO PUNISHMENT. (1) Jurisdiction - venue. Every person is liable to punishment by the laws of this state, for a public offense committed by him therein, except where it is by law cognizable exclusively in the courts of the United States. Evidence that a prosecutable act was committed within the state of Idaho is a jurisdictional requisite, and proof of such must be shown beyond a reasonable doubt.

(2) Venue is nonjurisdictional. Proof that venue is proper under this chapter is satisfied if shown by a preponderance of the evidence.

[19-301, added 1972, ch. 336, sec. 4, p. 983; am. 1986, ch. 289, sec. 1, p. 728.]

19-302. OFFENSES COMMENCED WITHOUT THE STATE. When the commission of a public offense, commenced without the state is consummated within its boundaries, the defendant is liable to punishment therefor in this state, though he was out of the state at the time of the commission of the offense charged. If he consummated it in this state through the intervention of an innocent or guilty agent, or any other means proceeding directly from himself, in such case the venue is in the county in which the offense is consummated.

[19-302, added 1972, ch. 336, sec. 4, p. 984; am. 1986, ch. 289, sec. 2, p. 728.]

19-304. OFFENSES COMMITTED IN DIFFERENT COUNTIES. (1) When a public offense is committed in part in one (1) county and in part in another, or the acts or effects thereof constituting or requisite to the consummation of the offense occur in two (2) or more counties, the venue is in either county.

(2) When more than one (1) felony is committed in more than one (1) county pursuant to a continuing criminal transaction or a common scheme or plan, venue shall be in any county in which one or more of such offenses has occurred.

(3) If a crime has been committed in the state of Idaho but it cannot be shown which county properly has venue, then in such case Ada county shall be the proper county of venue.

[19-304, added 1972, ch. 336, sec. 4, p. 984; am. 1986, ch. 289, sec. 4, p. 728.]

19-305. OFFENSES COMMITTED ON OR NEAR COUNTY BOUNDARIES. When a public offense is committed on the boundary of two (2) or more counties, or within five hundred (500) yards thereof, if the place where the crime is committed cannot be ascertained with reasonable certainty by the law enforcing officers of either county, or if a misdemeanor or infraction is committed in a city which is located in two (2) counties, then in any such event the venue is in either county. Provided however, that a prosecution in one (1) county shall be a bar to a prosecution for the same act or offense in the other county.

[19-305, added 1972, ch. 336, sec. 4, p. 984; am. 1976, ch. 24, sec. 1, p. 59; am. 1986, ch. 289, sec. 5, p. 729; am. 2001, ch. 121, sec. 1, p. 416.]

19-306. OFFENSES COMMITTED ON BOATS, VESSELS, TRAINS, MOTOR VEHICLES OR AIRCRAFT. When an offense is committed in this state, on board a boat, vessel, railroad train, motor vehicle or aircraft, the venue is in the county through which the boat, vessel, railroad train, motor vehicle, or aircraft passes or in the county where the trip terminates.

[19-306, added 1972, ch. 336, sec. 4, p. 984; am. 1980, ch. 295, sec. 1, p. 766; am. 1986, ch. 289, sec. 6, p. 729.]

19-307. KIDNAPING AND SIMILAR OFFENSES. In any case where a person:

1. Seizes, confines, inveigles or kidnaps another, with intent to cause him, without authority of law, to be secretly confined or imprisoned within this state, or to be sent out of this state, or in any way held to service or kept or detained against his will; or

2. Leads, takes, entices away or detains a child under the age of sixteen (16) years, with intent to keep or conceal it from its custodial parent, guardian or other person having lawful care or control thereof, or with intent to steal any article upon the person of the child; or

3. Abducts, entices or by force or fraud unlawfully takes or carries away another at or from a place without the state, or procures, advises, aids or abets such an abduction, enticing, taking or carrying away, and afterwards sends, brings, has or keeps such person, or causes him to be kept or secreted within this state; or

4. Seizes, confines, inveigles, leads, takes, entices away or kidnaps another against his will to extort money, property or any other things of value or obtain money, property or reward or any other thing of value for the return or disposition of such person; or

5. Inveigles or entices any unmarried person of previous chaste character, under the age of eighteen (18) years, into any house of ill-fame, or of assignation, or elsewhere, for the purpose of prostitution, or to have illicit carnal connection with any other person; and every person who aids or assists in such inveiglement or enticement; or

6. Takes away any person under the age of eighteen (18) years from his or her father, mother, guardian, or other person having the legal charge of that person, without their consent, for the purpose of prostitution;

Venue is in the county in which the offense is committed, or out of which the person upon whom the offense was committed may, in the commission of the offense, have been brought, or in which an act was done by the defendant in instigating, procuring, promoting, or aiding in the commission of the offense, or in abetting the parties concerned therein.

[19-307, added 1972, ch. 336, sec. 4, p. 984; am. 1986, ch. 289, sec. 7, p. 729.]

19-308. BIGAMY OR INCEST. When the offense either of bigamy or incest is committed in one county, and the defendant is apprehended in another, the venue is in either county.

[19-308, added 1972, ch. 336, sec. 4, p. 985; am. 1986, ch. 289, sec. 8, p. 730.]

19-309. STOLEN PROPERTY CARRIED FROM COUNTY TO COUNTY. When property taken in one county by burglary, robbery, or theft has been brought into another, the venue of the offense is in either county. But, if at any time before the conviction of the defendant in the latter, he is indicted in the former county, the sheriff of the latter county must, upon demand, deliver him to the sheriff of the former.

[19-309, added 1972, ch. 336, sec. 4, p. 985; am. 1986, ch. 289, sec. 9, p. 730.]

19-310. ESCAPE FROM PRISON. The venue of a criminal action for escaping from prison is in any county of the state.

[19-310, added 1972, ch. 336, sec. 4, p. 985; am. 1986, ch. 289, sec. 10, p. 731.]

19-311. BRINGING STOLEN PROPERTY INTO THE STATE. The venue of a criminal action for stealing, in any other state, 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 or through which such stolen property has been brought.

[19-311, added 1972, ch. 336, sec. 4, p. 985; am. 1986, ch. 289, sec. 11, p. 731.]

19-312. MURDER OR MANSLAUGHTER. The venue 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 county or out of the state, is in the county where the injury was inflicted.

[19-312, added 1972, ch. 336, sec. 4, p. 985; am. 1986, ch. 289, sec. 12, p. 731.]

19-313. VENUE OVER ACCESSORIES. In the case of an accessory in the commission of a public offense, the venue is in the county where the offense of the accessory was committed, notwithstanding the principal offense was committed in another county.

[19-313, added 1972, ch. 336, sec. 4, p. 986; am. 1986, ch. 289, sec. 13, p. 731.]

19-314. VENUE OVER ABSENT PRINCIPAL. The venue of a criminal action against a principal in the commission of a public offense, when such principal is not present at the commission of the principal offense, is in the same county it would be under this code if he were so present and aiding and abetting therein.

[19-314, added 1972, ch. 336, sec. 4, p. 986; am. 1986, ch. 289, sec. 14, p. 731.]

19-315. CONVICTION OR ACQUITTAL IN ANOTHER STATE. When an act charged as a public offense, is within the venue of another state, territory, or country, as well as of this state, a conviction or acquittal thereof in the former is a bar to the prosecution or indictment therefor in this state.

[19-315, added 1972, ch. 336, sec. 4, p. 986; am. 1986, ch. 289, sec. 15, p. 731.]

19-316. CONVICTION OR ACQUITTAL IN ANOTHER COUNTY. When an offense is within the venue of two (2) or more counties, a conviction or acquittal thereof in one county is a bar to a prosecution or indictment therefor in another.

[19-316, added 1972, ch. 336, sec. 4, p. 986; am. 1986, ch. 289, sec. 16, p. 732.]