

Rule 24. Venue**24.01 Place of Trial**

The case must be tried in the county where the offense was committed unless these rules direct otherwise.

24.02 Venue in Special Cases

Subd. 1. Offense Committed on a Conveyance. When an offense occurs within the state on a conveyance, and doubt exists as to where the offense occurred, the case may be prosecuted in any county through which the conveyance traveled in the course of the trip during which the offense was committed.

Subd. 2. Offenses Committed on County Lines. Offenses committed on or within 1,500 feet (457.2M) of the boundary line between two counties may be alleged in the complaint or indictment to have been committed in either of them, and may be prosecuted in either county.

Subd. 3. Injury or Death in One County from an Act Committed in Another County. If a person commits an act in one county causing injury or death in another county, the offense may be prosecuted in either county. If doubt exists as to where the act, injury, or death occurred, the offense may be prosecuted in any of the counties.

Subd. 4. Prosecution in County Where Injury or Death Occurs. If a person commits an act either within or outside the limits of the state and injury or death results, the offense may be prosecuted in the county of this state where the injury or death occurs, or where the body of the deceased is found.

Subd. 5. Prosecution When Death Occurs Outside State. If a person commits an assault in this state resulting in death outside the state, the homicide may be prosecuted in the county where the assault occurred.

Subd. 6. Kidnapping. Kidnapping may be prosecuted in any county through which the person kidnapped was taken or kept while under confinement or restraint.

Subd. 7. Libel. Publication of a libel contained in a newspaper published in the state may be prosecuted in any county where the paper was published or circulated. A person cannot be prosecuted for publication of the same libel against the same person in more than one county.

Subd. 8. Bringing Stolen Goods Into State. Whoever brings stolen property into the state in violation of Minnesota Statutes, section 609.525, may be prosecuted in any county into or through which the property was brought.

Subd. 9. Obscene or Harassing Telephone Calls; Wireless or Electronic Communication. Violations of Minnesota Statutes, section 609.79, may be prosecuted at the place where the call is made or where it is received or, in the case of wireless or electronic communication, where the sender or receiver resides.

Subd. 10. Fair Campaign Practices. Violations of Minnesota Statutes, section 211B.15, prohibiting corporate contributions to political campaigns may be prosecuted in the county where the payment or contribution was made, where services were rendered, or where money was paid or distributed.

Subd. 11. Series of Offenses Aggregated. When a series of offenses is aggregated under Minnesota Statutes, section 609.52, subdivision 3, clause (5), and the offenses have been committed

in more than one county, the case may be prosecuted in any county in which one or more of the offenses occurred.

Subd. 12. Non-Support of Spouse or Child. Violations of Minnesota Statutes, section 609.375, for non-support of spouse or child may be prosecuted in the county in which the person obligated to pay or entitled to receive support resides, or where the child resides.

Subd. 13. Refusal to Submit to Chemical Test Crime. Violations of Minnesota Statutes, section 169A.20, subdivision 2, for refusal to submit to a chemical test may be prosecuted in the jurisdiction where the arresting officer observed the defendant driving, operating, or in the control of the motor vehicle, or in the jurisdiction where the refusal occurred.

Subd. 14. Contributing to Need for Protection or Services for a Child. Violations of Minnesota Statutes, section 260C.425, for contributing to need for protection or services for a child, may be prosecuted in the county where the child is found, resides, or where the alleged act occurred.

Subd. 15. Criminal Tax Penalties. If a person commits violations of Minnesota Statutes, section 289A.63, in more than one county, the person may be prosecuted for all of the violations in any county in which one of the violations occurred.

Subd. 16. Municipalities in More than One County. Offenses occurring within a municipality located in more than one county or district must be prosecuted in the county where the municipality's city hall is located, unless the municipality designates by ordinance some other county or district in which part of the municipality is located.

Subd. 17. Depriving Another of Custodial or Parental Rights. Violations of Minnesota Statutes, section 609.26, for depriving another of custodial or parental rights may be prosecuted in the county in which the child was taken, concealed, or detained, or the county of lawful residence of the child.

Subd. 18. Child Abuse. A criminal action arising out of an incident of alleged child abuse may be prosecuted in the county where the alleged abuse occurred or the county where the child is found.

Subd. 19. Perjury. Violations of Minnesota Statutes, section 609.48, based on a statement signed under penalty of perjury pursuant to Minnesota Statutes, section 358.116, may be prosecuted in the county where the statement was signed, or the county of the district court in which the statement was filed.

(Amended effective July 1, 2015.)

24.03 Change of Venue

Subd. 1. Grounds. The case may be transferred to another county:

- a. If the court is satisfied that a fair and impartial trial cannot be had in the county in which the case is pending;
- b. For the convenience of parties and witnesses;
- c. In the interests of justice;
- d. As provided by Rule 25.02 governing prejudicial publicity.

Subd. 2. County to Which Transferred. For the purposes of change of venue under this rule the district referred to in Minnesota Constitution, article I, section 6 is the area within the geographical boundaries of the State of Minnesota.

Subd. 3. Time for Motion for Change of Venue. Except as permitted by Rule 25.02, a motion for change of venue must be made at the time prescribed in Rule 10 for making pretrial motions.

Subd. 4. Proceedings on Transfer. If the case is transferred under these rules, all records in the case must be transmitted to the court to which the case is transferred. If the defendant is in custody, the court may order that the defendant be transported to the sheriff of the county to which the case is transferred. Unless the Supreme Court orders otherwise, the case must be tried before the judge who ordered the change of venue. If the defendant has been released upon conditions of release, those conditions must be continued on the further condition that the defendant must appear as ordered by the court for trial and other proceedings in the county to which the case has been transferred.

(Amended effective July 1, 2015.)

Comment - Rule 24

By Rule 11.01, Omnibus Hearings may be held in any county in the district court's judicial district in which the offense was committed. Objections to the place of trial are waived unless asserted before commencement of the trial.

Rule 24.02, subd. 16 (Municipalities in More Than One County) is derived from Minnesota Statutes, section 484.80.

Rule 24.02, subd. 18 (Child Abuse) is derived from Minnesota Statutes, section 627.15.

Rule 24.03, subd. 1 (Grounds for Change of Venue) permits a change of venue upon motion of the defendant or prosecution, or on the court's initiative upon any of the grounds specified in the rule.

Minnesota Constitution, article I, section 6, provides that the accused shall enjoy the right to a speedy and public trial by an impartial jury of the county or district wherein the crime shall have been committed, which county or district shall have been previously ascertained by law. Under Rule 24.03, subd. 2 (County to Which Transferred), change of venue may be ordered upon any of the specified grounds to any county of the state.