

CHAPTER 627

JURISDICTION

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627.01 PLACE OF TRIAL; CHANGE OF VENUE. Every criminal cause shall be tried in the county where the offense was committed, except as otherwise provided by law, unless it shall appear to the satisfaction of the court, by affidavit, that a fair and impartial trial cannot be had in such county, in which case the court before whom the same shall be pending, if the offense charged in the indictment is punishable with death or imprisonment in the state prison, may direct the person accused to be tried in some other county, in the same or any other judicial district in the state, where a fair and impartial trial can be had; but the party accused shall be entitled to one change of venue only.

[R. L. s. 5354] (10701)

627.02 PROCEEDINGS ON CHANGE OF VENUE; COSTS. When the venue shall be changed to another county in a criminal case, the trial shall be conducted in all respects as if the indictment had been found in the county to which the venue is changed, and all the costs and expenses of the prosecution and trial of the case in such county to which the venue shall have been changed, including officers', witnesses', and jurors' fees, shall be paid by the county in which the offense was committed.

[R. L. s. 5355] (10702)

627.03 RECOGNIZANCE; WARRANT. When the court shall have ordered a change of venue, it shall require the accused, if the offense is bailable, to enter into a recognizance, with good and sufficient sureties, to be approved by a judge thereof, in such sum as he may direct, and conditioned for his appearance in the court to which the venue has been changed on the first day of the next term thereof, and to abide the order of such court; and, in default thereof, or if the offense be not bailable, a warrant shall be issued, directed to the sheriff, commanding him safely to convey the prisoner to the jail of the county where he is to be tried, there to be safely kept by the jailer thereof until discharged by due course of law. The court shall also recognize the witnesses on the part of the state to appear before the court in which the prisoner is to be tried.

[R. L. s. 5356] (10703)

627.04 CHANGE OF VENUE BY STATE. The attorney on behalf of the state may also apply for a change of venue, and the court, being satisfied that it will promote the ends of justice, may award a change of venue upon the same terms and to the same extent that are provided in this chapter; and the proceedings on such change shall be in all respects as before provided.

[R. L. s. 5357] (10704)

627.05 OFFENSE COMMITTED ON VESSEL, WHERE INDICTABLE AND TRIABLE. When any offense shall be committed within this state on board of a vessel navigating any river or lake, an indictment for the same may be found in any county through which, or any part of which, such vessel shall be navigated, during or in the course of the same voyage or trip, or in the county where such voyage or trip terminates; and such indictment may be tried, and a conviction thereon had, in any such county, in the same manner and with the like effect as in the county where the offense was committed.

[R. L. s. 5314] (10656)

627.06 OFFENSES ON PUBLIC CONVEYANCES; JURISDICTION. The route traversed by any railway car, coach, train, or public conveyance, and the lake or stream traversed by any boat, shall be deemed, and are hereby declared to be,

criminal districts; and jurisdiction of all public offenses which shall be committed on any such railroad car, coach, train, boat, or other public conveyance, or at any station or depot upon such route, shall be in any county through which such car, coach, train, boat, or other public conveyance may pass during the trip or voyage, or in which the trip or voyage may begin or terminate.

[R. L. s. 5315] (10657)

627.07 OFFENSE COMMITTED ON COUNTY LINES, WHERE PROSECUTED.

Offenses committed on the boundary lines of two counties, or within 100 rods of the dividing line between them, may be alleged in the indictment to have been committed in either of them, and may be prosecuted and punished in either county.

[R. L. s. 5316] (10658)

627.08 DEATH ENSUING IN ANOTHER COUNTY; PROSECUTION. If any mortal wound shall be given, or other violence or injury inflicted, or any poison administered, in one county, by means whereof death shall ensue in another county, the offense may be prosecuted in either county; and, if it be doubtful in which one of two or more counties such mortal wound was given or such other violence or injury was inflicted or such poison was administered, or, if it be doubtful in which one of two or more counties death ensued by means whereof, the offense may be prosecuted in any one of such two or more counties.

[R. L. s. 5317; 1923 c. 53 s. 1] (10659)

627.09 PROSECUTION IN COUNTY WHERE DEATH ENSUES IN ALL CASES. If any such mortal wound shall be inflicted, or other violence or injury done, or poison administered, either within or without the limits of this state, by means whereof death shall ensue in any county thereof, such offense may be prosecuted and punished in the county where such death happens.

[R. L. s. 5318] (10660)

627.10 DEATH OUT OF STATE; PROSECUTION. In all cases of felonious homicide, where the assault shall have been committed in this state, and the person assaulted shall die without the limits thereof, the offender shall and may be indicted, tried, and punished for the crime so committed, in the county where the assault was made, in the same manner, to all intents and purposes, as if the person assaulted had died within the limits of this state.

[R. L. s. 5319] (10661)

627.13 INDICTMENT FOR KIDNAPPING. Every indictment for kidnapping may be found and tried either in the county where the offense was committed, or in any county through or in which the person kidnapped or confined was taken or kept while under confinement or restraint.

[R. L. s. 4902; 1963 c. 753 art. 2 s. 13] (10096)

627.14 WHERE INDICTED; PUNISHMENT RESTRICTED. Every indictment for a criminal defamation contained in a newspaper published in the state may be found in any county where the paper was published or circulated, but a person shall not be indicted or tried for the publication of the same criminal defamation against the same person in more than one county.

[R. L. s. 4921; 1971 c. 25 s. 98] (10117)