

HOUSE BILL 909

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3lr2876
CF SB 872

By: **Delegates Valentino–Smith, Clippinger, Swain, and Valderrama**

Introduced and read first time: February 7, 2013

Assigned to: Judiciary

A BILL ENTITLED

1 AN ACT concerning

2 **Criminal Procedure – Venue for Prosecution of Murder and Manslaughter**

3 FOR the purpose of authorizing a prosecution of a person for a violation of certain
4 provisions of law prohibiting murder and manslaughter to be brought in a
5 certain county in which the body or parts of the body were found under certain
6 circumstances; and generally relating to the venue for prosecution of murder
7 and manslaughter.

8 BY repealing and reenacting, with amendments,
9 Article – Criminal Procedure
10 Section 4–201
11 Annotated Code of Maryland
12 (2008 Replacement Volume and 2012 Supplement)

13 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF
14 MARYLAND, That the Laws of Maryland read as follows:

15 **Article – Criminal Procedure**

16 4–201.

17 (a) In the District Court, a prosecution for a crime shall be brought in the
18 district that includes the county where the crime was committed, and the trial shall be
19 held in that county unless the case is lawfully removed.

20 (b) If a person is feloniously stricken or poisoned in a county and dies in
21 another county of the same stroke or poison, a prosecution for the felony shall be
22 brought in the county where the stroke or poison was given.

23 (c) A prosecution may be brought in the county in which the defendant is
24 arrested or first brought if the prosecution is for:

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 (1) a crime committed on the waters of the Chesapeake Bay and not in
2 a county;

3 (2) aiding, abetting, or comforting the perpetrator of such a crime; or

4 (3) being an accessory to such a crime.

5 (d) If a person is feloniously stricken or poisoned on the waters of the
6 Chesapeake Bay and not in a county, and dies of the same stroke or poison in a county,
7 a prosecution for the felony, or for being an accessory to the felony, shall be brought in
8 the county where the person died.

9 (e) If a person is feloniously stricken or poisoned in a county, and dies of the
10 same stroke or poison on the waters of the Chesapeake Bay and not in a county, a
11 prosecution for the felony, or for being an accessory to the felony, shall be brought in
12 the county where the stroke or poison was given.

13 (f) (1) In this subsection, "common carrier" means a steamboat, railroad
14 train, motor bus, airplane, or other means of intercity or interstate public
15 transportation.

16 (2) Subject to paragraph (3) of this subsection, a prosecution for an
17 indictable crime committed on a common carrier may be brought, and a District Court
18 commissioner may hold the defendant to bail if the crime isailable, in any county
19 from, to, or through which the common carrier runs.

20 (3) If the accused is held to bail under this subsection by a District
21 Court commissioner, prosecution for the crime shall be in the county where the
22 defendant is held.

23 (g) (1) A prosecution for a crime may be brought in the county in which
24 process for the arrest and prosecution of the defendant is first issued if:

25 (i) the crime was committed at the boundary between counties;
26 or

27 (ii) the boundary is so uncertain or the site of the crime is so
28 near to the boundary that it is doubtful in which county the crime was committed.

29 (2) To establish the venue alleged in the charging document, the State
30 need only prove that a set of facts in paragraph (1)(i) or (ii) of this subsection is true.

31 (h) Except as otherwise provided by law, a prosecution of a person for being
32 an accessory after the fact to murder or other felony shall be brought in the county in
33 which the person became an accessory.

1 **(I) EXCEPT AS OTHERWISE PROVIDED IN THIS SECTION, A**
2 **PROSECUTION OF A PERSON FOR A VIOLATION OF § 2-103, § 2-201, § 2-204, OR**
3 **§ 2-207 OF THE CRIMINAL LAW ARTICLE MAY BE BROUGHT IN THE COUNTY IN**
4 **WHICH THE CRIME OCCURRED OR, IF THE LOCATION OF THE CRIME CANNOT BE**
5 **DETERMINED, IN THE COUNTY IN WHICH THE BODY OR PARTS OF THE BODY**
6 **WERE FOUND.**

7 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
8 October 1, 2013.