

# SENATE BILL 872

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CF HB 909

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By: **Senator Jacobs**

Introduced and read first time: February 7, 2013

Assigned to: Rules

Re-referred to: Judicial Proceedings, February 14, 2013

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Committee Report: Favorable with amendments

Senate action: Adopted

Read second time: March 30, 2013

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## CHAPTER \_\_\_\_\_

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.

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EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.

Underlining indicates amendments to bill.

~~Strike out~~ indicates matter stricken from the bill by amendment or deleted from the law by amendment.



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

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

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

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

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

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

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

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

21 (2) Subject to paragraph (3) of this subsection, a prosecution for an  
22 indictable crime committed on a common carrier may be brought, and a District Court  
23 commissioner may hold the defendant to bail if the crime is bailable, in any county  
24 from, to, or through which the common carrier runs.

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

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

30 (i) the crime was committed at the boundary between counties;  
31 or

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

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

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

6 (i) EXCEPT AS OTHERWISE PROVIDED IN THIS SECTION, A  
7 PROSECUTION OF A PERSON FOR A VIOLATION OF ~~§ 2-103~~, § 2-201, § 2-204, OR  
8 § 2-207 OF THE CRIMINAL LAW ARTICLE MAY BE BROUGHT IN THE COUNTY IN  
9 WHICH THE CRIME OCCURRED OR, IF THE LOCATION OF THE CRIME CANNOT BE  
10 DETERMINED, IN THE COUNTY IN WHICH THE BODY OR PARTS OF THE BODY  
11 WERE FOUND.

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

Approved:

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Governor.

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President of the Senate.

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Speaker of the House of Delegates.