

IC 35-32-2

Chapter 2. Venue

IC 35-32-2-1

Place of trial

Sec. 1. (a) Criminal actions shall be tried in the county where the offense was committed, except as otherwise provided by law.

(b) If a person committing an offense upon the person of another is located in one (1) county and the person's victim is located in another county at the time of the commission of the offense, the trial may be in either of the counties.

(c) If the offense involves killing or causing the death of another human being, the trial may be in the county in which the:

- (1) cause of death is inflicted;
- (2) death occurs; or
- (3) victim's body is found.

(d) If an offense is committed in Indiana and it cannot readily be determined in which county the offense was committed, trial may be in any county in which an act was committed in furtherance of the offense.

(e) If an offense is commenced outside Indiana and completed within Indiana, the offender may be tried in any county where any act in furtherance of the offense occurred.

(f) If an offense commenced inside Indiana is completed outside Indiana, the offender shall be tried in any county where an act in furtherance of the offense occurred.

(g) If an offense is committed on the portions of the Ohio or Wabash Rivers where they form a part of the boundaries of this state, trial may be in the county that is adjacent to the river and whose boundaries, if projected across the river, would include the place where the offense was committed.

(h) If an offense is committed at a place which is on or near a common boundary which is shared by two (2) or more counties and it cannot be readily determined where the offense was committed, then the trial may be in any county sharing the common boundary.

(i) If an offense is committed on a public highway (as defined in IC 9-25-2-4) that runs on and along a common boundary shared by two (2) or more counties, the trial may be held in any county sharing the common boundary.

(j) If an offense is committed by use of the Internet or another computer network (as defined in IC 35-43-2-3), the trial may be held in any county:

- (1) from which or to which access to the Internet or other computer network was made; or
- (2) in which any computer, computer data, computer software, or computer network that was used to access the Internet or other computer network is located.

(k) If an offense:

- (1) is committed by use of:
 - (A) the Internet or another computer network (as defined in

IC 35-43-2-3); or
(B) another form of electronic communication; and
(2) occurs outside Indiana and the victim of the offense resides in Indiana at the time of the offense;
the trial may be held in the county where the victim resides at the time of the offense.

As added by Acts 1981, P.L.298, SEC.1. Amended by Acts 1982, P.L.204, SEC.5; P.L.320-1983, SEC.1; P.L.98-2000, SEC.16; P.L.115-2005, SEC.2.

IC 35-32-2-2

Theft or conversion; receiving stolen property

Sec. 2. (a) A person may be tried for theft or conversion in any county in which he exerted unauthorized control over the property.

(b) A person may be tried for receiving stolen property in any county in which he receives, retains, or disposes of the property.

As added by Acts 1981, P.L.298, SEC.1.

IC 35-32-2-3

Kidnapping, criminal confinement, human trafficking, promotion of human trafficking, sexual trafficking of a minor, and interference with custody

Sec. 3. (a) A person who commits the offense of:

- (1) kidnapping;
- (2) criminal confinement;
- (3) human trafficking;
- (4) promotion of human trafficking; or
- (5) sexual trafficking of a minor;

may be tried in a county in which the victim has traveled or has been confined during the course of the offense.

(b) A person who commits the offense of criminal confinement or interference with custody may be tried in a county in which the child who was removed, taken, concealed, or detained in violation of a child custody order:

- (1) was a legal resident at the time of the taking, concealment, or detention;
- (2) was taken, detained, or concealed; or
- (3) was found.

As added by Acts 1981, P.L.298, SEC.1. Amended by P.L.49-1989, SEC.19; P.L.173-2006, SEC.47.

IC 35-32-2-4

Aiding and abetting; conspiracy; attempts

Sec. 4. (a) If a person in a county engages in conduct sufficient to constitute aiding, inducing, or causing an offense committed in another county, he may be tried for the offense in either county.

(b) In a prosecution for conspiracy to commit a felony, any or all offenders may be tried in the county in which:

- (1) the agreement was made; or
- (2) any overt act in furtherance of the agreement is performed.

(c) In a prosecution for an attempt to commit a crime, the offender may be tried in any county in which:

(1) a substantial step towards the commission of the underlying crime occurred; or

(2) the underlying crime was to have been completed.

As added by Acts 1981, P.L.298, SEC.1.

IC 35-32-2-5

Transfer to proper county or court with proper jurisdiction; mistake in charge of proper offense or guilt of offense not charged; discharge without prejudice

Sec. 5. (a) When it appears, at any time before verdict or finding, that the prosecution was brought in an improper county, the court shall order that all papers and proceedings be certified and transferred to a court with jurisdiction over the offense in the proper county and, when necessary, order the sheriff to deliver custody of the defendant to the sheriff of the proper county.

(b) When it appears at any time before verdict or finding, that a mistake has been made in charging the proper offense, or that the defendant is guilty of an offense not charged, such defendant shall not be discharged, if the court finds probable cause that the defendant committed an offense.

(c) When it appears at any time before verdict or finding that the prosecution was brought in a court without jurisdiction over the subject matter of the offense charged, the court shall order that all the papers and proceedings be certified and transferred to a court with jurisdiction over the subject matter in the proper county.

(d) When a jury has been impaneled or the cause submitted in any case contemplated in subsection (a), (b), or (c), such jury may be discharged or submission set aside without prejudice to the prosecution.

As added by Acts 1981, P.L.298, SEC.1.

IC 35-32-2-6

Identity deception; synthetic identity deception; multiple offenses

Sec. 6. (a) Subject to subsection (b), a person who commits the offense of identity deception or synthetic identity deception may be tried in a county in which:

(1) the victim resides; or

(2) the person:

(A) obtains;

(B) possesses;

(C) transfers; or

(D) uses;

the information used to commit the offense.

(b) If:

(1) a person is charged with more than one (1) offense of identity deception or synthetic identity deception, or if a person is charged with both identity deception and synthetic identity deception; and

(2) either:

(A) the victims of the crimes reside in more than one (1) county; or

(B) the person performs an act described in subsection (a)(2) in more than one (1) county;

the person may be tried in any county described in subdivision (2).

As added by P.L.125-2006, SEC.7. Amended by P.L.137-2009, SEC.9.