CHAPTER 21

Venue

**SECTION 17‑21‑10.** Venue where person causes injury within limits of State and death occurs elsewhere.

When any person shall be struck, wounded, poisoned or otherwise injured or ill‑treated within the limits of this State and shall die thereof beyond the limits of this State, whether on the high seas or elsewhere, the person so striking, wounding, poisoning or otherwise causing death as aforesaid shall be subject to indictment, trial and punishment in the county in which the stroke, wound, poisoning or other injury or ill‑treatment was committed, in all respects the same as if the death had occurred in such county.

HISTORY: 1962 Code Section 17‑454; 1952 Code Section 17‑454; 1942 Code Section 1017; 1932 Code Section 1017; Cr. P. '22 Section 108; Cr. C. '12 Section 144; Cr. C. '02 Section 116; G. S. 2461; R. S. 116; 1859 (12) 822.

**SECTION 17‑21‑20.** Venue where person causes injury in one county and death occurs in another.

When any person shall be struck, wounded, poisoned or otherwise injured in one county and dies thereof in another any inquisition or indictment thereon found by jurors of either county shall be as good and effectual in law as if the stroke, wound, poisoning or other injury had been committed and done in the county in which the party shall die. And the person guilty of such striking, wounding, poisoning or other injury and every accessory thereto, either before or after the fact, shall be tried in the county in which such indictment shall be found and, if convicted, punished in the same mode, manner and form as if the deceased had suffered such striking, wounding, poisoning or other injury and death in the county in which such indictment shall be found.

HISTORY: 1962 Code Section 17‑456; 1952 Code Section 17‑456; 1942 Code Section 1020; 1932 Code Section 1020; Cr. P. '22 Section 111; Cr. C. '12 Section 147; Cr. C. '02 Section 119; G. S. 2464; R. S. 119; 1880 (17) 336.

**SECTION 17‑21‑30.** Venue where perpetrator of homicide and victim are in different states.

When any person within the limits of this State shall inflict an injury on any person who at the time the injury is inflicted is beyond the limits of this State or when any person beyond the limits of this State shall inflict an injury on any person at the time within the limits of this State and such injury shall cause the death of the person injured, in either case the person causing such death shall be subject to be indicted, tried and punished in the first case in the county of this State where the person inflicting the injury was at the time when the injury was inflicted and, in the second case, in the county in which it was received. The procedure and punishment shall be in all respects the same as if both parties were within such county at the time the injury was inflicted and the homicide had been in all respects completed in such county.

HISTORY: 1962 Code Section 17‑455; 1952 Code Section 17‑455; 1942 Code Section 1018; 1932 Code Section 1018; Cr. P. '22 Section 109; Cr. C. '12 Section 145; Cr. C. '02 Section 117; G. S. 2462; R. S. 117; 1859 (12) 822.

**SECTION 17‑21‑40.** Venue where perpetrator of homicide and victim are in different counties.

When an injury is inflicted by any person within the bounds of one county of this State on a person within the bounds of another county and death shall ensue therefrom within this State, indictment, trial and punishment shall be the same as if the homicide had been committed altogether within the county in which the injured person dies. And when the injured person dies without the jurisdiction of this State, indictment, trial and punishment shall be the same as if the homicide had been completed in the county in which the injury causing death was received.

HISTORY: 1962 Code Section 17‑457; 1952 Code Section 17‑457; 1942 Code Section 1019; 1932 Code Section 1019; Cr. P. '22 Section 110; Cr. C. '12 Section 146; Cr. C. '02 Section 118; G. S. 2463; R. S. 118; 1859 (12) 823.

**SECTION 17‑21‑50.** Venue for trial of accessories before the fact.

A person charged as an accessory before the fact may be indicted, tried and punished in the same court and county in which the principal felon might be indicted and tried, although the offense of counseling, hiring or procuring the commission of such felony is committed on the high seas or on land outside of the county either within or without the limits of this State.

HISTORY: 1962 Code Section 17‑452; 1952 Code Section 17‑452; 1942 Code Section 1021; 1932 Code Section 1021; Cr. P. '22 Section 112; Cr. C. '12 Section 921; Cr. C. '02 Section 636; G. S. 2612; R. S. 523; 1712 (2) 484; 1961 (52) 40.

**SECTION 17‑21‑60.** Venue for trial of accessories after the fact.

Whoever becomes an accessory to a felony after the fact may be indicted, convicted and punished, whether the principal felon has or has not been previously convicted or is or is not amenable to justice, by any court having jurisdiction to try the principal felon and either in the county in which such person became an accessory or in the county in which the principal felony was committed.

HISTORY: 1962 Code Section 17‑453; 1952 Code Section 17‑453; 1942 Code Section 1022; 1932 Code Section 1022; Cr. P. '22 Section 113; Cr. C. '12 Section 922; Cr. C. '02 Section 637; G. S. 2613; R. S. 524; 1714 (2) 543.

**SECTION 17‑21‑70.** Venue in proceedings against corporations.

No criminal proceeding shall be instituted against any corporation unless the offense charged or some part thereof shall have been committed in the county in which the prosecution shall be instituted.

HISTORY: 1962 Code Section 17‑451; 1952 Code Section 17‑451; 1942 Code Section 989; 1932 Code Section 989; Civ. C. '22 Section 4297; Civ. C. '12 Section 2830; 1911 (27) 39.

**SECTION 17‑21‑80.** Change of venue; notice, application, and affidavit.

The circuit courts shall have power to change the venue in all criminal cases pending therein, and over which they have original jurisdiction, by ordering the record to be removed to another county in the same circuit. The application for removal must be made to the judge sitting in regular term by some party interested, by the solicitor of the circuit or by the accused, supported by affidavit that a fair and impartial trial cannot be had in the county where such action or prosecution was commenced. The State shall have the same right to make application for a change of venue that a defendant has in cases of murder, arson, rape, burglary, perjury, forgery or grand larceny; provided, that no change of venue shall be granted in such cases until a true bill has been found by a grand jury. Four days' notice of such application in civil and criminal cases shall be given to the adverse party, and if a change is ordered, it shall be to a county in the same judicial circuit; provided, further, that such adverse party to whom notice is given shall have the right to waive it. The circuit judge shall have the power, upon application made to him by either party, upon proper cause shown, to shorten or extend the time for the hearing of the application for a change of venue.

HISTORY: 1962 Code Section 17‑458; 1961 (52) 562.

**SECTION 17‑21‑85.** Order for jury selection in criminal case be conducted in another county; expenses.

A circuit judge may, in a criminal case in which he determines that an unbiased jury cannot be selected in the county in which the defendant was indicted, order that jury selection go forward in some other county and the jury, when selected, be transported to the county in which the indictment was returned for the duration of the trial. In making a determination whether to proceed as allowed by this section or to order a change of venue for a trial, the court shall consider all the logistical and expense elements and, consistent with the demands of justice, choose the method that results in the least expense and greatest convenience for all parties involved in the case. All expenses of jury selection in another county must be paid by the county in which the trial occurs.

HISTORY: 1990 Act No. 313, Section 1.

**SECTION 17‑21‑90.** Costs when venue is changed; disposition of fine.

Whenever a criminal case is transferred from one county to another for trial all the costs and expenses of such trial shall be paid by the county in which the bill of indictment was found. The clerk of court of the county in which the bill of indictment was found, his deputy or some other person designated for the purpose by such clerk of court shall attend upon such trial to issue vouchers or warrants for such costs and expenses in like manner as if the case were tried in the county in which the bill of indictment was found and such costs and expenses shall be paid by the treasurer of such county as other court expenses of such county are paid. And in the event a verdict of guilty is returned against the defendant named in the bill of indictment and a fine is imposed as well as any other penalty and such fine be paid the proceeds of such fine shall be delivered to the clerk of court of the county having original jurisdiction by the clerk of court of the county in which the verdict was obtained.

HISTORY: 1962 Code Section 17‑556; 1952 Code Section 17‑556; 1942 Code Section 1023; 1932 Code Section 1023; Civ. C. '22 Section 5722; Civ. C. '12 Section 4205; 1902 (22) 1087; 1930 (36) 1097; 1933 (38) 441.