

THE CODE OF CRIMINAL PROCEDURE (EXCERPT)
Act 175 of 1927

762.3 Jurisdiction; offenses near county lines.

Sec. 3.

(1) Any offense committed on the boundary line of 2 counties, or within 1 mile of the dividing line between them, may be alleged in the indictment to have been committed, and may be prosecuted and punished in either county.

(2) If it appears to the attorney general that a felony has been committed within the state and that it is impossible to determine within which county it occurred, the offense may be alleged in the indictment to have been committed and may be prosecuted and punished in such county as the attorney general designates. The state shall bear all expenses of such prosecution. The responsibility and the authority with reference to all steps in the prosecution of such case shall be the same, as between the prosecuting attorney of the county so designated and the attorney general, as though it were an established fact that the alleged criminal acts, if committed at all, were committed within that county.

(3) With regard to state offenses cognizable by the examining magistrate and to examinations conducted for offenses not cognizable by the examining magistrate, the following special provisions apply:

(a) If an offense is committed on the boundary of 2 or more counties, districts or political subdivisions or within 1 mile thereof, venue is proper in any of the counties, districts or political subdivisions concerned.

(b) If an offense is committed in or upon any railroad train, automobile, aircraft, vessel or other conveyance in transit, and it cannot readily be determined in which county, district or political subdivision the offense was committed, venue is proper in any county, district or political subdivision through or over which the conveyance passed in the course of its journey.

(c) Except as otherwise provided in subdivision (b), if it appears to the attorney general that the alleged state offense has been committed within the state and that it is impossible to determine within which county, district or political subdivision it occurred, the violation may be alleged to have been committed and may be prosecuted and punished or the examination conducted in such county, district or political subdivision as the attorney general designates. The responsibility and the authority with reference to all steps in the prosecution of such case shall be the same, as between the prosecuting attorney of the county so designated and the attorney general, as though it were an established fact that the alleged criminal acts, if committed at all, were committed within that county, district or political subdivision.

History: 1927, Act 175, Eff. Sept. 5, 1927 ;-- CL 1929, 17121 ;-- Am. 1935, Act 151, Imd. Eff. June 4, 1935 ;-- CL 1948, 762.3 ;-- Am. 1970, Act 213, Imd. Eff. Oct. 4, 1970

Former Law: See section 6 of Ch. 161 of R.S. 1846, being CL 1857, § 5942; CL 1871, § 7804; How., § 9418; CL 1897, § 11779; CL 1915, § 15606; and Act 399 of 1921.