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SENATE BILL NO. 1290

AMENDMENT IN THE NATURE OF A SUBSTITUTE

(Proposed by the House Committee for Courts of Justice
on February 11, 2015)

(Patron Prior to Substitute—Senator Stuart)

A BILL to amend and reenact §§ 19.2-244 and 19.2-247 of the Code of Virginia, relating to venue in criminal cases.

Be it enacted by the General Assembly of Virginia:

1. That §§ 19.2-244 and 19.2-247 of the Code of Virginia are amended and reenacted as follows:

§ 19.2-244. Venue in general.

A. Except as otherwise provided by law, the prosecution of a criminal case shall be had in the county or city in which the offense was committed. Except as to motions for a change of venue, all other questions of venue must be raised before verdict in cases tried by a jury and before the finding of guilty in cases tried by the court without a jury.

B. If an offense has been committed within the Commonwealth and it cannot readily be determined within which county or city the offense was committed, venue for the prosecution of the offense may be had in the county or city (i) in which the defendant resides; (ii) if the defendant is not a resident of the Commonwealth, in which the defendant is apprehended; or (iii) if the defendant is not a resident of the Commonwealth and is not apprehended in the Commonwealth, to which the defendant is extradited.

§ 19.2-247. Venue in certain homicide cases.

Where evidence exists that a homicide has been committed either within or without ~~this~~ the Commonwealth, under circumstances ~~which~~ that make it unknown where such crime was committed, the ~~offense~~ homicide and any related offenses shall be amenable to prosecution in the courts of the county or city where the body *or any part thereof* of the victim may be found or, if the victim was removed from the Commonwealth for medical treatment prior to death and died outside the Commonwealth, in the courts of the county or city from which the victim was removed for medical treatment prior to death, as if the offense has been committed in such county or city. In a prosecution for capital murder pursuant to subdivision 8 of § 18.2-31, the offense may be prosecuted in any jurisdiction in the Commonwealth in which any one of the killings may be prosecuted.