

803.1 State criminal jurisdiction — erroneous filings.

1. A person is subject to prosecution in this state for an offense which the person commits within or outside this state, by the person's own conduct or that of another for which the person is legally accountable, if:

- a. The offense is committed either wholly or partly within this state.
- b. Conduct of the person outside the state constitutes an attempt to commit an offense within this state.
- c. Conduct of the person outside the state constitutes a conspiracy to commit an offense within this state.
- d. The offense is based upon a statute that specifically prohibits conduct wholly outside of the state, and the conduct bears a reasonable relation to a legitimate state interest, and the person knows or should know that the conduct is likely to affect that interest.
- e. Conduct of the person within this state constitutes an attempt, solicitation, or conspiracy to commit an offense in another jurisdiction, which conduct is punishable under the laws of both this state and such other jurisdiction.
- f. The offense is committed by a member of the state military forces against another member of the state military forces, both are in a duty status at the time of the offense, whether inside or outside the state, and the offense is one for which civil courts have jurisdiction under [section 29B.116A](#). However, for those offenses subject to both civilian and military jurisdiction, civilian jurisdiction shall not be declined solely on that basis.

2. An offense may be committed partly within this state if conduct which is an element of the offense, or a result which constitutes an element of the offense, occurs within this state. If the body of a murder victim is found within the state, the death is presumed to have occurred within the state. If a kidnapping victim, or the body of a kidnapping victim, is found within the state, the confinement or removal of the victim from one place to another is presumed to have occurred within the state.

3. An offense which is based on an omission to perform a duty imposed upon a person by the law of this state is committed within the state, regardless of the location of the person at the time of the omission.

4. The jurisdiction of the criminal court includes the prosecution of any individual arrested who is eighteen years of age or older and who is charged with committing a criminal offense. If the individual is alleged to have committed the offense prior to having reached the age of eighteen, that individual or the county attorney may petition the criminal court to transfer the matter to juvenile court, pursuant to [section 803.5](#).

5. If it is determined that charges were erroneously filed in district court against an individual under the age of eighteen and the juvenile court holds exclusive jurisdiction, the court shall file an order dismissing the charge in district court and directing the clerk of court to seal all records of the charge initiated in district court.

[C51, §2803; R60, §4500; C73, §4155; C97, §5153; C24, 27, 31, 35, 39, §13448; C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, §753.1; C79, 81, §803.1]

[88 Acts, ch 1167, §4](#); [95 Acts, ch 178, §1](#); [2000 Acts, ch 1037, §3](#); [2014 Acts, ch 1069, §6](#); [2018 Acts, ch 1153, §13](#)

Referred to in [§710.10](#)
NEW subsection 5