

**21-5106. Jurisdictional application.** (a) A person is subject to prosecution and punishment under the law of this state if:

- (1) The person commits a crime wholly or partly within this state;
  - (2) being outside the state, the person counsels, aids, abets or conspires with another to commit a crime within this state; or
  - (3) being outside the state, the person commits an act which constitutes an attempt to commit a crime within this state.
- (b) A crime is committed partly within this state if:
- (1) An act which is a constituent and material element of the offense;
  - (2) an act which is a substantial and integral part of an overall continuing criminal plan; or
  - (3) the proximate result of such act, occurs within the state.
- (c) If the body of a homicide victim is found within the state, a person who is charged with committing the homicide is subject to prosecution and punishment under the laws of this state for commission of the homicide.
- (d) A crime which is based on an omission to perform a duty imposed by the law of this state, is committed within the state, regardless of the location of the person omitting to perform such duty at the time of the omission.
- (e) It is not a defense that the person's conduct is also a crime under the laws of another state or of the United States or of another country.
- (f) This state includes the land and water and the air space above such land and water with respect to which the state has legislative jurisdiction.
- (g) Jurisdiction is a question of law to be determined by the court by the preponderance of the evidence.

**History:** L. 2010, ch. 136, § 6; July 1, 2011.