

Section 6: Time and Place of Commission of a Criminal Offense

Article 13: Time of Commission of a Criminal Offense

A criminal offense is committed at the time the perpetrator acts or ought to have acted, irrespective of when the consequences of his or her action or omission to act occurred.

Commentary

The time at which a criminal offense was committed is relevant to the running of the statutory limitations that relates to that offense. Reference should be made to Article 9 on the applicable statutory limitations for different criminal offenses and to the remainder of Section 5 (Articles 10–12). It is clear from Article 13 that it is the action or inaction of the perpetrator of the criminal offense that is determinative of the time of the commission of a criminal offense, rather than the time when the consequences of the action or inaction occurred.

Article 14: Place of Commission of a Criminal Offense

1. A criminal offense is committed where one of its elements was committed. The place of commission may be both:

- (a) the place where the perpetrator acts or ought to have acted; and
 - (b) the place where the consequences of the perpetrator's action or omission to act, fully or partially, occurs.
2. In the case of an attempted criminal offense, the offense is committed both:
- (a) at the place where the perpetrator acts or ought to have acted; and
 - (b) at the place where the consequences of the perpetrator's action or omission to act, fully or partially, ought to have occurred according to his or her expectations.

Commentary

Article 14 is relevant to the question of territorial or extraterritorial jurisdiction, as the place where a criminal offense occurred will, by necessity, determine which state has jurisdiction to prosecute the perpetrator. Reference should be made to Article 4 (“Territorial Jurisdiction”) and Article 5 (“Extraterritorial Jurisdiction”) and their accompanying commentaries.