§ 315.1. Motion to dismiss; defective petition. 1. A petition or a count thereof is defective when:

(a) it does not substantially conform to the requirements stated in sections 311.1 and 311.2; provided that a petition may not be dismissed as defective, but must instead be amended when the defect or irregularity is of a kind that may be cured by amendment pursuant to section 311.5, and where the presentment agency moves to so amend; or

(b) the allegations demonstrate that the court does not have jurisdiction of the crime charged; or

(c) the statute defining the crime charged is unconstitutional or otherwise invalid.

2. An order dismissing a petition as defective may be issued upon motion of the respondent or of the court itself.

3. A motion to dismiss under this section must be made within the time provided for in section 332.2.