

By: Moody

H.B. No. 2153

A BILL TO BE ENTITLED

AN ACT

relating to the venue for prosecution of misdemeanor cases in justice courts.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

SECTION 1. Article 4.12, Code of Criminal Procedure, is amended to read as follows:

Art. 4.12. MISDEMEANOR CASES; PRECINCT IN WHICH DEFENDANT TO BE PROSECUTED [~~TRIED~~] IN JUSTICE COURT. (a) Except as [~~otherwise~~] provided by other law [~~this article~~], a misdemeanor case to be prosecuted [~~tried~~] in justice court may [~~shall~~] be prosecuted [~~tried~~].

[~~(1)~~] in any [~~the~~] precinct in the county in which the offense was committed[~~+~~

[~~(2) in the precinct in which the defendant or any of the defendants reside,~~

[~~(3) with the written consent of the state and each defendant or the defendant's attorney, in any other precinct within the county, or~~

[~~(4) if the offense was committed in a county with a population of 3.3 million or more, in any precinct in the county that is adjacent to the precinct in which the offense was committed~~].

(b) [~~In any misdemeanor case in which the offense was committed in a precinct where there is no qualified justice court,~~

1 ~~then trial shall be held.~~

2 ~~[(1) in the next adjacent precinct in the same county~~
3 ~~which has a duly qualified justice court, or~~

4 ~~[(2) in the precinct in which the defendant may reside.~~

5 ~~[(c) In any misdemeanor case in which each justice of the~~
6 ~~peace in the precinct where the offense was committed is~~
7 ~~disqualified for any reason, such case may be tried in the next~~
8 ~~adjoining precinct in the same county having a duly qualified~~
9 ~~justice of the peace.~~

10 ~~[(d)]~~ A defendant who is taken before a magistrate in
11 accordance with Article 15.18 may waive trial by jury and enter a
12 written plea of guilty or nolo contendere.

13 (c) ~~[(e)]~~ The justices of the peace in each county shall, by
14 majority vote, adopt local rules of administration regarding the
15 transfer of a pending misdemeanor case from one precinct to a
16 different precinct.

17 SECTION 2. The change in law made by this Act applies only
18 to a misdemeanor case that is initially filed in a justice court on
19 or after the effective date of this Act, regardless of whether the
20 offense for which the case is filed occurred before, on, or after
21 the effective date of this Act.

22 SECTION 3. This Act takes effect September 1, 2015.