

## **BILL ANALYSIS**

C.S.H.B. 4075  
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Criminal Jurisprudence  
Committee Report (Substituted)

### **BACKGROUND AND PURPOSE**

The bill author has informed the committee that peace officers across Texas are increasingly being charged for their actions taken during the course and scope of their duties.

The bill author further informed the committee of the following:

- although an officer is entitled to an impartial jury trial, it is extremely difficult to obtain under the current framework as trials are typically held in the county or district where the alleged crime occurred, which is usually the jurisdiction where the peace officer is employed;
- subjecting an officer to a trial in the jurisdiction where they police and are responsible for enforcing the laws against the citizens is a significant barrier to empaneling an impartial jury; and
- although citizens may not have a personal impression of the officer, the officer represents the department, which is frequently subject to media attention within the county from which jurors would be selected.

C.S.H.B. 4075 seeks to remedy this situation by authorizing applicable peace officers under indictment for on-duty conduct within the course and scope of their responsibilities to be granted a change of venue without exception.

### **CRIMINAL JUSTICE IMPACT**

It is the committee's opinion that this bill does not expressly create a criminal offense, increase the punishment for an existing criminal offense or category of offenses, or change the eligibility of a person for community supervision, parole, or mandatory supervision.

### **RULEMAKING AUTHORITY**

It is the committee's opinion that this bill does not expressly grant any additional rulemaking authority to a state officer, department, agency, or institution.

### **ANALYSIS**

C.S.H.B. 4075 amends the Code of Criminal Procedure to authorize a defendant to file a motion requesting a change of venue if the defendant is a peace officer or was a peace officer at the time of the alleged offense and has been charged with an offense allegedly committed under color of the defendant's employment as a peace officer. The bill requires a judge, on receipt of the motion, to take the following actions:

- if the defendant and the state's attorney mutually agree to a change of venue to a county in the same judicial district as the county in which the case is pending, order a change of venue to that county; or
- if the defendant and state's attorney do not mutually agree on a change of venue, refer the motion to the presiding judge of the judicial district in which the case is pending for a venue determination.

The bill requires the presiding judge of the judicial district in which the case is pending, on receipt of the referred motion, to order a change of venue to any county in the same judicial district as the county in which the case is pending or in an adjoining judicial district or to any county other than such counties after providing 10 days' notice to the defendant and the state's attorney.

C.S.H.B. 4075 applies only to a defendant charged with an offense committed on or after the bill's effective date. A defendant charged with an offense committed before that date is governed by the law in effect on the date the offense was committed, and the former law is continued in effect for that purpose. For these purposes, an offense was committed before the bill's effective date if any element of the offense occurred before that date.

### **EFFECTIVE DATE**

On passage, or, if the bill does not receive the necessary vote, September 1, 2025.

### **COMPARISON OF INTRODUCED AND SUBSTITUTE**

While C.S.H.B. 4075 may differ from the introduced in minor or nonsubstantive ways, the following summarizes the substantial differences between the introduced and committee substitute versions of the bill.

Whereas the introduced required a judge to order a change of venue on a motion by a defendant who is a peace officer or was a peace officer at the time of the alleged offense and has been charged with an offense allegedly committed under color of the defendant's employment as a peace officer, the substitute authorizes such a defendant to file a motion requesting a change of venue. The substitute includes provisions absent from the introduced relating to the following:

- the requirement for a judge, on receipt of a motion to change the venue, to take certain actions depending on whether the defendant and the state's attorney mutually agree to a change of venue; and
- the requirement for the applicable presiding judge, on receipt of the referred motion, to order a change of venue to certain counties as specified.