

By: Leach

H.B. No. 4075

Substitute the following for H.B. No. 4075:

By: Little

C.S.H.B. No. 4075

A BILL TO BE ENTITLED

AN ACT

relating to change of venue in certain criminal cases involving a peace officer.

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

SECTION 1. Subchapter A, Chapter 31A, Code of Criminal Procedure, is amended by adding Article 31A.0021 to read as follows:

Art. 31A.0021. CHANGE OF VENUE FOR CERTAIN OFFENSES COMMITTED BY PEACE OFFICERS. (a) A defendant may file a motion requesting a change of venue if the defendant:

(1) is a peace officer or was a peace officer at the time of the alleged offense; and

(2) has been charged with an offense allegedly committed under color of the defendant's employment as a peace officer.

(b) On receipt of a motion filed under Subsection (a), the judge shall:

(1) if the defendant and attorney representing the state 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

(2) if the defendant and attorney representing the state do not mutually agree on a change of venue under Subdivision (1), refer the motion to the presiding judge of the judicial

1 district in which the case is pending for a venue determination
2 under Subsection (c).

3 (c) On receipt of a referred motion under Subsection (b)(2),
4 the presiding judge of the judicial district in which the case is
5 pending shall order a change of venue to:

6 (1) any county in the same judicial district as the
7 county in which the case is pending or in an adjoining judicial
8 district; or

9 (2) any county not described by Subdivision (1), after
10 providing 10 days' notice to the defendant and the attorney
11 representing the state.

12 SECTION 2. The change in law made by this Act applies only
13 to a defendant charged with an offense committed on or after the
14 effective date of this Act. A defendant charged with an offense
15 committed before the effective date of this Act is governed by the
16 law in effect on the date the offense was committed, and the former
17 law is continued in effect for that purpose. For purposes of this
18 section, an offense was committed before the effective date of this
19 Act if any element of the offense occurred before that date.

20 SECTION 3. This Act takes effect immediately if it receives
21 a vote of two-thirds of all the members elected to each house, as
22 provided by Section 39, Article III, Texas Constitution. If this
23 Act does not receive the vote necessary for immediate effect, this
24 Act takes effect September 1, 2025.