

CODE OF CRIMINAL PROCEDURE
TITLE 1. CODE OF CRIMINAL PROCEDURE
CHAPTER 31A. CHANGE OF VENUE

SUBCHAPTER A. AUTHORITY TO CHANGE VENUE

Art. 31A.001. CHANGE OF VENUE ON JUDGE'S OWN MOTION.

(a) In a felony or misdemeanor case punishable by confinement, if the judge is satisfied that a fair and impartial trial cannot be held for any reason in the county in which the case is pending, the judge may on the judge's own motion, after providing reasonable notice to the defendant and the state and hearing evidence on the motion, order a change of venue to:

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

(2) any county not described by Subdivision (1), after 10 days' notice is provided.

(b) An order changing venue under Subsection (a) must state the grounds for the change of venue.

(c) An order changing venue under Subsection (a)(2) is grounds for reversal if, on timely contest by the defendant, the record of the contest affirmatively shows that any county described by Subsection (a)(1) is not subject to the same conditions that required the change of venue.

Added by Acts 2023, 88th Leg., R.S., Ch. 765 (H.B. [4504](#)), Sec. 1.001, eff. January 1, 2025.

Art. 31A.002. COURT REQUIRED TO CHANGE VENUE IN CERTAIN SEXUAL ASSAULT CASES. In a sexual assault case, a district court shall order a change of venue when necessary to secure a speedy trial.

Added by Acts 2023, 88th Leg., R.S., Ch. 765 (H.B. [4504](#)), Sec. 1.001, eff. January 1, 2025.

Art. 31A.003. CHANGE OF VENUE ON STATE'S MOTION. (a) In a felony or misdemeanor case punishable by confinement, the attorney

representing the state may file a written motion requesting a change of venue on the basis that:

(1) a fair and impartial trial cannot be safely and speedily held because of:

(A) existing combinations or influences in favor of the defendant; or

(B) the lawless condition of affairs in the county; or

(2) the life of the prisoner or of any witness would be jeopardized by a trial in the county in which the case is pending.

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

(1) hear evidence on the motion; and

(2) if the judge is satisfied that the motion is sufficiently supported and that justice will be served by granting the motion, order a change of venue to any county in the judicial district in which the case is pending or in an adjoining judicial district.

Added by Acts 2023, 88th Leg., R.S., Ch. 765 (H.B. [4504](#)), Sec. 1.001, eff. January 1, 2025.

Art. 31A.004. CHANGE OF VENUE ON DEFENDANT'S MOTION.

(a) In a felony or misdemeanor case punishable by confinement, the court may grant a change of venue on the written motion of the defendant, supported by the defendant's affidavit and the affidavit of at least two credible persons who are residents of the county in which the prosecution is commenced, if the court determines that the defendant cannot obtain a fair and impartial trial in the county in which the prosecution is commenced as a result of:

(1) a prejudice against the defendant in the county;
or

(2) a dangerous combination against the defendant in the county instigated by influential persons.

(b) An order changing venue under Subsection (a) to a county other than a county in the same judicial district as the county in which the case is pending or in an adjoining judicial district is grounds for reversal, if on timely contest by the defendant, the

record of the contest affirmatively shows that any county in the judicial district in which the case is pending or in the adjoining judicial district is not subject to the same conditions that required the change of venue.

(c) On the defendant's motion and with the consent of the attorney representing the state, the court may transfer the case to another judicial district:

(1) for the convenience of the parties and witnesses and in the interest of justice; or

(2) if the defendant stipulates that the defendant will enter a plea of guilty.

Added by Acts 2023, 88th Leg., R.S., Ch. 765 (H.B. [4504](#)), Sec. 1.001, eff. January 1, 2025.

Art. 31A.005. CONTESTING MOTION TO CHANGE VENUE; HEARING.

(a) The credibility or the means of knowledge of a person making an affidavit for change of venue may be attacked by the affidavit of a credible person.

(b) If an affidavit is filed to contest an affidavit for change of venue as provided by Subsection (a), the judge shall hold a hearing on the issue and grant or refuse the motion based on the law and facts in the case.

Added by Acts 2023, 88th Leg., R.S., Ch. 765 (H.B. [4504](#)), Sec. 1.001, eff. January 1, 2025.

SUBCHAPTER B. ON CHANGE OF VENUE

Art. 31A.051. CLERK'S DUTIES ON CHANGE OF VENUE. If a court orders a change of venue in a criminal case, the clerk of the court in which the prosecution is pending shall prepare and transmit to the clerk of the court to which the venue is changed:

(1) a certified copy of the court's order directing the change of venue;

(2) a certified copy of the defendant's bail bond or personal bond, if any;

(3) the original papers in the case; and

(4) a certificate of the transmitting clerk under that

clerk's official seal that the papers described by Subdivision (3) are all the papers on file in the case in the court in which the prosecution is pending.

Added by Acts 2023, 88th Leg., R.S., Ch. 765 (H.B. [4504](#)), Sec. 1.001, eff. January 1, 2025.

Art. 31A.052. USE OF SERVICES OF ORIGINAL VENUE. (a) A judge ordering a change of venue under this chapter may, with the written consent of the defendant, the defendant's attorney, and the attorney representing the state:

(1) maintain the original case number on the court's docket;

(2) preside over the case; and

(3) use the services of the court reporter, the court coordinator, and the clerk of the court of original venue.

(b) If a judge takes the actions described by Subsection (a):

(1) the court shall use the courtroom facilities and any other services or facilities of the judicial district or county to which venue is changed;

(2) the jury, if required, must consist of residents of the judicial district or county to which venue is changed; and

(3) notwithstanding Article [31A.051](#), the clerk of the court of original venue shall:

(A) maintain the original papers of the case, including the defendant's bail bond or personal bond, if any;

(B) make the papers described by Paragraph (A) available for trial; and

(C) act as the clerk in the case.

Added by Acts 2023, 88th Leg., R.S., Ch. 765 (H.B. [4504](#)), Sec. 1.001, eff. January 1, 2025.

Art. 31A.053. REMOVAL OF DEFENDANT IN CUSTODY. If the defendant is in custody when venue is changed in a criminal case:

(1) an order shall be entered for:

(A) the defendant's removal to the county to which the venue is changed; and

(B) the defendant's delivery to the sheriff of the county to which the venue is changed before the next succeeding term of the court of that county; and

(2) the sheriff with custody of the defendant shall deliver the defendant as directed in the order described by Subdivision (1).

Added by Acts 2023, 88th Leg., R.S., Ch. 765 (H.B. 4504), Sec. 1.001, eff. January 1, 2025.

Art. 31A.054. NO EFFECT ON SUBPOENA, ATTACHMENT, OR BAIL OF WITNESSES. When venue is changed in a criminal case, any witness who has been subpoenaed, attached, or bailed to appear and testify in the case:

(1) is not required to be again subpoenaed, attached, or bailed; and

(2) shall appear before the court to which venue has been changed as if there had been no change of venue.

Added by Acts 2023, 88th Leg., R.S., Ch. 765 (H.B. 4504), Sec. 1.001, eff. January 1, 2025.

SUBCHAPTER C. RETURNING VENUE AFTER TRIAL

Art. 31A.151. RETURN TO COUNTY IN WHICH INDICTMENT OR INFORMATION FILED; SUBSEQUENT PROCEEDINGS. (a) On the completion of a trial in which a change of venue has been ordered and, if applicable, after the jury has been discharged, the court, with the consent of counsel for the state and the defendant, may return the case to the county in which the indictment or information was filed. Except as provided by Subsection (b), all subsequent and ancillary proceedings, including the pronouncement of sentence after appeals have been exhausted, must be heard in the county in which the indictment or information was filed.

(b) A motion for new trial alleging jury misconduct must be heard in the county in which the case was tried. The county in which the indictment or information was filed must pay the costs of the prosecution of the motion.

(c) Except for the review of a death sentence under Section

2(h), Article [37.071](#), or under Section 2(h), Article [37.072](#), an appeal taken in a case returned under this article to the county in which the indictment or information was filed must be docketed in the appellate district in which that county is located.

Added by Acts 2023, 88th Leg., R.S., Ch. 765 (H.B. [4504](#)), Sec. 1.001, eff. January 1, 2025.

Art. 31A.152. CLERK'S DUTIES ON RETURN TO COUNTY IN WHICH INDICTMENT OR INFORMATION FILED. (a) Except as provided by Subsection (b), on an order returning a case to the county in which the indictment or information was filed as provided by Article [31A.151](#), the clerk of the county in which the case was tried shall:

(1) make a certified copy of:

(A) the court's order directing the return; and

(B) the defendant's bail bond, personal bond, or appeal bond, if any;

(2) gather the original papers in the case and certify under official seal that the papers are all the original papers on file in the court in which the case was tried; and

(3) transmit the items described by Subdivisions (1) and (2) to the clerk of the court in which the indictment or information was filed.

(b) This article does not apply to a proceeding in which the clerk of the court in which the indictment or information was filed was present and performed the duties as clerk for the court under Article [31A.052](#).

Added by Acts 2023, 88th Leg., R.S., Ch. 765 (H.B. [4504](#)), Sec. 1.001, eff. January 1, 2025.