

PRELIMINARY DRAFT

TEXAS LEGISLATIVE COUNCIL
Code of Criminal Procedure
Chapter 13A
12/7/21

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10 CHAPTER 13A. VENUE

11 SUBCHAPTER A. GENERAL PROVISIONS

12 Revised Law

13 Art. 13A.001. VENUE GENERALLY. If venue is not

14 specifically stated for an offense, the offense may be prosecuted

15 in the county in which the offense was committed. (Code Crim. Proc.,

16 Art. 13.18.)

17 Source Law

18 Art. 13.18. OTHER OFFENSES. If venue is not

19 specifically stated, the proper county for the

20 prosecution of offenses is that in which the offense

21 was committed.

22 Revisor's Note

23 Article 13.18, Code of Criminal Procedure,

24 provides that, if venue is not specifically stated for

25 an offense, "the proper county for the prosecution of

26 [the offense] is" the county in which the offense was

27 committed. For consistency in terminology, the

28 revised law substitutes for the quoted language "the

29 offense may be prosecuted in" because, in this

30 context, the phrases have the same meaning and the

31 latter is more consistent with modern usage.

32 Revised Law

33 Art. 13A.002. PLEADING AND PROVING VENUE. (a) In each case

34 described by this chapter, the indictment or information or any

35 other pleading may allege that the offense was committed in the

1 county in which the prosecution is conducted.

2 (b) An allegation of venue under this article may be
3 sustained if the attorney representing the state proves by a
4 preponderance of the evidence that, based on the facts in the case,
5 the county in which the prosecution is conducted has venue. (Code
6 Crim. Proc., Art. 13.17.)

7 Source Law

8 Art. 13.17. PROOF OF VENUE. In all cases
9 mentioned in this Chapter, the indictment or
10 information, or any pleading in the case, may allege
11 that the offense was committed in the county where the
12 prosecution is carried on. To sustain the allegation
13 of venue, it shall only be necessary to prove by the
14 preponderance of the evidence that by reason of the
15 facts in the case, the county where such prosecution is
16 carried on has venue.

17 Revisor's Note

18 (1) Article 13.17, Code of Criminal Procedure,
19 provides procedures for the pleading and proving of
20 venue "[i]n all cases mentioned in this Chapter." The
21 only provision of Chapter 13, Code of Criminal
22 Procedure, not revised in this chapter is the portion
23 of Article 13.15 that requires a district court to
24 order a change of venue in certain sexual assault
25 cases. That portion of Article 13.15 is clearly
26 inapplicable here because change of venue is governed
27 by Chapter 31, Code of Criminal Procedure, revised as
28 Chapter 31A of that code. Because the provisions of
29 Chapter 13, Code of Criminal Procedure, to which
30 Article 13.17 could reasonably apply are revised in
31 this chapter, the revised law is drafted accordingly.

32 (2) Article 13.17, Code of Criminal Procedure,
33 states that any pleading in a criminal case may allege
34 that the offense was committed in the county in which
35 the prosecution is "carried on." The revised law
36 substitutes "conducted" for "carried on" because the
37 terms are synonymous and "conducted" is more
38 consistent with modern usage.

1 (3) Article 13.17, Code of Criminal Procedure,
2 requires that venue be proven by a preponderance of the
3 evidence. For clarity, the revised law specifies that
4 the attorney representing the state must prove venue
5 because in a criminal prosecution the state has the
6 burden to prove that venue is proper in the county in
7 which the indictment or information is filed.

8 Revised Law

9 Art. 13A.003. WHEN VENUE CANNOT BE DETERMINED. If an
10 offense has been committed in this state and the county in which the
11 offense was committed cannot be readily determined, the offense may
12 be prosecuted in the county:

- 13 (1) in which the defendant resides;
14 (2) in which the defendant is apprehended; or
15 (3) to which the defendant is extradited. (Code Crim.
16 Proc., Art. 13.19.)

17 Source Law

18 Art. 13.19. WHERE VENUE CANNOT BE DETERMINED.
19 If an offense has been committed within the state and
20 it cannot readily be determined within which county or
21 counties the commission took place, trial may be held
22 in the county in which the defendant resides, in the
23 county in which he is apprehended, or in the county to
24 which he is extradited.

25 Revisor's Note

26 Article 13.19, Code of Criminal Procedure, states
27 the county in which "trial may be held" when venue
28 cannot readily be determined. For consistency in
29 terminology, the revised law substitutes "the offense
30 may be prosecuted" for "trial may be held" because, in
31 this context, the phrases have the same meaning.

32 SUBCHAPTER B. VENUE IN CERTAIN CIRCUMSTANCES

33 Revised Law

34 Art. 13A.051. OFFENSE COMMITTED WHOLLY OR PARTLY OUTSIDE
35 THIS STATE. (a) An offense committed wholly or partly outside this
36 state under circumstances that give this state jurisdiction to
37 prosecute the defendant may be prosecuted in any county in which:

1 (1) the defendant is found; or

2 (2) an element of the offense occurs.

3 (b) Criminal homicide committed wholly or partly outside
4 this state under circumstances that give this state jurisdiction to
5 prosecute the defendant may be prosecuted in the county in which:

6 (1) the injury was inflicted;

7 (2) the defendant was located when the defendant
8 inflicted the injury; or

9 (3) the victim died or the victim's body was found.

10 (Code Crim. Proc., Arts. 13.01, 13.05.)

11 Source Law

12 Art. 13.01. OFFENSES COMMITTED OUTSIDE THIS
13 STATE. Offenses committed wholly or in part outside
14 this State, under circumstances that give this State
15 jurisdiction to prosecute the offender, may be
16 prosecuted in any county in which the offender is found
17 or in any county in which an element of the offense
18 occurs.

19 Art. 13.05. CRIMINAL HOMICIDE COMMITTED OUTSIDE
20 THIS STATE. The offense of criminal homicide
21 committed wholly or in part outside this State, under
22 circumstances that give this State jurisdiction to
23 prosecute the offender, may be prosecuted in the
24 county where the injury was inflicted, or in the county
25 where the offender was located when he inflicted the
26 injury, or in the county where the victim died or the
27 body was found.

28 Revisor's Note

29 Articles 13.01 and 13.05, Code of Criminal
30 Procedure, refer to the "offender." For consistency in
31 terminology, the revised law substitutes "defendant"
32 for "offender" because, in this context, the terms are
33 synonymous and the former is more commonly used in the
34 Code of Criminal Procedure.

35 Revised Law

36 Art. 13A.052. OFFENSE COMMITTED OUTSIDE THIS STATE BY
37 PERSON ACTING FOR STATE. An offense committed outside this state by
38 any officer acting under the authority of this state under
39 circumstances that give this state jurisdiction to prosecute the
40 defendant may be prosecuted in:

41 (1) the county in which the defendant resides; or

1 (2) if a nonresident of this state, Travis County.
2 (Code Crim. Proc., Art. 13.10.)

3 Source Law

4 Art. 13.10. PERSONS ACTING UNDER AUTHORITY OF
5 THIS STATE. An offense committed outside this State by
6 any officer acting under the authority of this State,
7 under circumstances that give this state jurisdiction
8 to prosecute the offender, may be prosecuted in the
9 county of his residence or, if a nonresident of this
10 State, in Travis County.

11 Revisor's Note

12 Article 13.10, Code of Criminal Procedure, refers
13 to the "offender." The revised law substitutes
14 "defendant" for "offender" for the reason stated in
15 the revisor's note to Article 13A.051.

16 Revised Law

17 Art. 13A.053. OFFENSE COMMITTED ON OR NEAR BOUNDARY. (a)
18 An offense committed on or within 400 yards of the boundaries of two
19 or more counties may be prosecuted in any one of those counties.

20 (b) An offense committed on the premises of an airport
21 operated jointly by two municipalities and located in two counties
22 may be prosecuted in either county.

23 (c) An offense punishable by fine only committed on or near
24 the boundary of contiguous municipalities that have entered into an
25 agreement authorized by Article 4.14(f) of this code and Section
26 29.003(h), Government Code, may be prosecuted in either of those
27 municipalities as provided in the agreement.

28 (d) An offense committed on a river or stream forming the
29 boundary of this state may be prosecuted in the county:

30 (1) the boundary of which is on the river or stream;
31 and

32 (2) the county seat of which is nearest the place where
33 the offense was committed. (Code Crim. Proc., Arts. 13.04, 13.045,
34 13.06.)

35 Source Law

36 Art. 13.04. ON THE BOUNDARIES OF COUNTIES. An
37 offense committed on the boundaries of two or more
38 counties, or within four hundred yards thereof, may be

1 prosecuted and punished in any one of such counties and
2 any offense committed on the premises of any airport
3 operated jointly by two municipalities and situated in
4 two counties may be prosecuted and punished in either
5 county.

6 Art. 13.045. ON THE BOUNDARIES OF CERTAIN
7 MUNICIPALITIES. An offense punishable by fine only
8 that is committed on or near the boundary of contiguous
9 municipalities that have entered into an agreement
10 authorized by Article 4.14(f) and Section 29.003(h),
11 Government Code, may be prosecuted in either of those
12 municipalities as provided in the agreement.

13 Art. 13.06. COMMITTED ON A BOUNDARY STREAM. If
14 an offense be committed upon any river or stream, the
15 boundary of this State, it may be prosecuted in the
16 county the boundary of which is upon such stream or
17 river, and the county seat of which is nearest the
18 place where the offense was committed.

19 Revisor's Note

20 (1) Article 13.04, Code of Criminal Procedure,
21 provides that certain offenses may be prosecuted "and
22 punished" in certain counties. The revised law omits
23 "and punished" as unnecessary because, in this
24 context, "punished" is included in the meaning of
25 "prosecuted." See, e.g., Section 2(b), Article 37.07,
26 Code of Criminal Procedure (providing that on a guilty
27 finding the judge or jury shall assess punishment);
28 Section 3(c), Article 37.07, Code of Criminal
29 Procedure (providing that in a case submitted to a
30 jury, "the verdict shall not be complete until a jury
31 verdict has been rendered on both the guilt or
32 innocence of the defendant and the amount of
33 punishment").

34 (2) Article 13.04, Code of Criminal Procedure,
35 refers to certain airports that are "situated" in two
36 counties. Throughout this chapter, the revised law
37 substitutes "located" for "situated" because in this
38 context the terms are synonymous and "located" is more
39 commonly used in the Code of Criminal Procedure.

40 Revised Law

41 Art. 13A.054. PERSON INJURED IN ONE COUNTY AND DYING IN
42 ANOTHER. An offense in which a person is injured in one county and,

1 as a result of the injury, dies in another county, may be prosecuted
2 in the county in which:

- 3 (1) the injury was received;
- 4 (2) the death occurred; or
- 5 (3) the person's body is found. (Code Crim. Proc.,
6 Art. 13.07.)

7 Source Law

8 Art. 13.07. INJURED IN ONE COUNTY AND DYING IN
9 ANOTHER. If a person receives an injury in one county
10 and dies in another by reason of such injury, the
11 offender may be prosecuted in the county where the
12 injury was received or where the death occurred, or in
13 the county where the dead body is found.

14 Revisor's Note

15 (1) Article 13.07, Code of Criminal Procedure,
16 provides that an "offender [who commits an offense to
17 which that article applies] may be prosecuted" in
18 certain counties. For consistency in terminology, the
19 revised law substitutes "offense" for "offender"
20 because the former is more commonly used in the context
21 of establishing the proper venue for a prosecution.

22 (2) Article 13.07, Code of Criminal Procedure,
23 provides that an offense in which a person is injured
24 in one county and dies in another county as a result of
25 the injury may be prosecuted in, among other counties,
26 the county in which the "dead body" is found. The
27 revised law omits "dead" as unnecessary because it is
28 clear from the context that this article applies only
29 if the person is dead.

30 Revised Law

31 Art. 13A.055. OFFENSE COMMITTED ON VESSEL. An offense
32 committed on board a vessel that at the time of the offense is on a
33 navigable water in the boundaries of this State may be prosecuted
34 in:

- 35 (1) any county through which the vessel is navigated
36 in the course of the voyage; or

1 (2) the county in which the voyage commences or
2 terminates. (Code Crim. Proc., Art. 13.11.)

3 Source Law

4 Art. 13.11. ON VESSELS. An offense committed on
5 board a vessel which is at the time upon any navigable
6 water within the boundaries of this State, may be
7 prosecuted in any county through which the vessel is
8 navigated in the course of her voyage, or in the county
9 where the voyage commences or terminates.

10 Revised Law

11 Art. 13A.056. CERTAIN OFFENSES COMMITTED AGAINST A CHILD.
12 An offense under Title 5, Penal Code, involving a victim younger
13 than 18 years of age, or an offense under Section 25.03, Penal Code,
14 that results in bodily injury to a child younger than 18 years of
15 age, may be prosecuted in the county in which:

- 16 (1) an element of the offense was committed;
17 (2) the defendant is apprehended;
18 (3) the victim resides; or
19 (4) the defendant resides. (Code Crim. Proc., Art.
20 13.075.)

21 Source Law

22 Art. 13.075. CHILD INJURED IN ONE COUNTY AND
23 RESIDING IN ANOTHER. An offense under Title 5, Penal
24 Code, involving a victim younger than 18 years of age,
25 or an offense under Section 25.03, Penal Code, that
26 results in bodily injury to a child younger than 18
27 years of age, may be prosecuted in the county:

- 28 (1) in which an element of the offense was
29 committed;
30 (2) in which the defendant is apprehended;
31 (3) in which the victim resides; or
32 (4) in which the defendant resides.

33 Revised Law

34 Art. 13A.057. VENUE BY CONSENT. With the consent of the
35 defendant in writing, the defendant's attorney, and the attorney
36 representing the state, the trial of a felony case without a jury
37 may be held in any county in a judicial district for the county in
38 which venue is otherwise authorized by law. (Code Crim. Proc., Art.
39 13.20.)

40 Source Law

41 Art. 13.20. VENUE BY CONSENT. The trial of all
42 felony cases, without a jury, may, with the consent of

1 the defendant in writing, his attorney, and the
2 attorney for the state, be held in any county within
3 the judicial district or districts for the county
4 where venue is otherwise authorized by law.

5 Revisor's Note

6 Article 13.20, Code of Criminal Procedure, refers
7 to an "attorney for the state." For consistency in
8 terminology, the revised law substitutes "attorney
9 representing the state" for "attorney for the state"
10 because "attorney representing the state" is more
11 commonly used in the Code of Criminal Procedure.

12 SUBCHAPTER C. INCHOATE OFFENSES

13 Revised Law

14 Art. 13A.101. CONSPIRACY. (a) Criminal conspiracy may be
15 prosecuted in any county in which:

- 16 (1) the conspiracy was entered into;
17 (2) the conspiracy was agreed to be executed; or
18 (3) one or more of the conspirators acts to effect an
19 object of the conspiracy.

20 (b) If an object of a criminal conspiracy is an offense
21 classified as a felony under the Tax Code, the conspiracy may be
22 prosecuted in any county in which venue is proper under the Tax Code
23 for the offense, regardless of whether the offense was committed.

24 (c) If a criminal conspiracy was entered into outside this
25 state under circumstances that give this state jurisdiction to
26 prosecute the defendant, the conspiracy may be prosecuted in:

- 27 (1) any county in which the conspiracy was agreed to be
28 executed;
29 (2) any county in which any of the conspirators were
30 found; or
31 (3) Travis County. (Code Crim. Proc., Art. 13.13.)

32 Source Law

33 Art. 13.13. CONSPIRACY. Criminal conspiracy
34 may be prosecuted in the county where the conspiracy
35 was entered into, in the county where the conspiracy
36 was agreed to be executed, or in any county in which
37 one or more of the conspirators does any act to effect
38 an object of the conspiracy. If the object of the
39 conspiracy is an offense classified as a felony under

1 the Tax Code, regardless of whether the offense was
2 committed, the conspiracy may be prosecuted in any
3 county in which venue is proper under the Tax Code for
4 the offense. If a conspiracy was entered into outside
5 this State under circumstances that give this State
6 jurisdiction to prosecute the offender, the offender
7 may be prosecuted in the county where the conspiracy
8 was agreed to be executed, in the county where any one
9 of the conspirators was found, or in Travis County.

10 Revisor's Note

11 (1) Article 13.13, Code of Criminal Procedure,
12 provides that an "offender [who commits a criminal
13 conspiracy under certain circumstances] may be
14 prosecuted" in certain counties. For consistency in
15 terminology, the revised law substitutes "conspiracy"
16 for "offender" because the former is more commonly
17 used in the context of establishing the proper venue
18 for a prosecution.

19 (2) Article 13.13, Code of Criminal Procedure,
20 refers to "jurisdiction to prosecute the offender."
21 The revised law substitutes "defendant" for "offender"
22 for the reason stated in the revisor's note to Article
23 13A.051.

24 SUBCHAPTER D. OFFENSES AGAINST THE PERSON

25 Revised Law

26 Art. 13A.151. TRAFFICKING OF PERSONS, FALSE IMPRISONMENT,
27 KIDNAPPING, AND SMUGGLING OF PERSONS. Trafficking of persons,
28 false imprisonment, kidnapping, or smuggling of persons may be
29 prosecuted in any county:

30 (1) in which the offense was committed; or

31 (2) through, into, or out of which the victim may have
32 been taken. (Code Crim. Proc., Art. 13.12.)

33 Source Law

34 Art. 13.12. TRAFFICKING OF PERSONS, FALSE
35 IMPRISONMENT, KIDNAPPING, AND SMUGGLING OF PERSONS.
36 Venue for trafficking of persons, false imprisonment,
37 kidnapping, and smuggling of persons is in:

38 (1) the county in which the offense was
39 committed; or

40 (2) any county through, into, or out of
41 which the person trafficked, falsely imprisoned,
42 kidnapped, or transported may have been taken.

1 Revisor's Note

2 Article 13.12, Code of Criminal Procedure,
3 provides that "[v]enue for" certain offenses "is in"
4 certain counties. For consistency in terminology,
5 throughout this chapter, the revised law substitutes
6 "may be prosecuted in" for the quoted language
7 because, in this context, the phrases have the same
8 meaning.

9 Revised Law

10 Art. 13A.152. SEXUAL ASSAULT. Sexual assault may be
11 prosecuted in any county:

- 12 (1) in which the offense was committed; or
13 (2) in which the victim was abducted, if applicable,
14 or through or into which the victim was transported in the course of
15 the abduction and sexual assault. (Code Crim. Proc., Art. 13.15
16 (part).)

17 Source Law

18 Art. 13.15. SEXUAL ASSAULT. Sexual assault may
19 be prosecuted in the county in which it is committed,
20 in the county in which the victim is abducted, or in
21 any county through or into which the victim is
22 transported in the course of the abduction and sexual
23 assault. . . .

24 SUBCHAPTER E. OFFENSES AGAINST THE FAMILY

25 Revised Law

26 Art. 13A.201. BIGAMY. Bigamy may be prosecuted in any
27 county in which:

- 28 (1) the bigamous marriage occurred;
29 (2) the parties to the bigamous marriage live together
30 as spouses; or
31 (3) a party to the bigamous marriage not charged with
32 the offense resides. (Code Crim. Proc., Art. 13.14.)

33 Source Law

34 Art. 13.14. BIGAMY. Bigamy may be prosecuted:
35 (1) in the county where the bigamous
36 marriage occurred;
37 (2) in any county in this State in which
38 the parties to such bigamous marriage may live or
39 cohabit together as man and wife; or

1 (3) in any county in this State in which a
2 party to the bigamous marriage not charged with the
3 offense resides.

4 Revisor's Note

5 (1) Articles 13.14(2) and (3), Code of Criminal
6 Procedure, state that bigamy may be prosecuted in
7 certain counties "in this State." The revised law
8 omits "in this State" as unnecessary because the Code
9 of Criminal Procedure only authorizes the prosecution
10 of offenses in counties in this state.

11 (2) Article 13.14(2), Code of Criminal
12 Procedure, provides that bigamy may be prosecuted in a
13 county in which the parties "live or cohabit together
14 as [spouses]." The revised law omits "or cohabit" as
15 redundant because, in this context, "cohabit together"
16 is included in the meaning of "live together." It is
17 clear from the context that the phrase "live or cohabit
18 together as [spouses]" means to live together as
19 spouses or to cohabit together as spouses because if
20 this provision referred separately to the county in
21 which the parties live and to the county in which the
22 parties cohabit together as spouses, the later
23 provision authorizing prosecution in a county in which
24 a party not charged with the offense resides would be
25 superfluous.

26 Revised Law

27 Art. 13A.202. CRIMINAL NONSUPPORT. Criminal nonsupport may
28 be prosecuted in the county in which the person for whom support is
29 not provided resides at the time the information or indictment is
30 presented. (Code Crim. Proc., Art. 13.16.)

31 Source Law

32 Art. 13.16. CRIMINAL NONSUPPORT. Criminal
33 nonsupport may be prosecuted in the county where the
34 offended spouse or child is residing at the time the
35 information or indictment is presented.

36 Revised Law

37 Art. 13A.203. PROTECTIVE ORDER OFFENSES. An offense under

1 Section 25.07 or 25.072, Penal Code, may be prosecuted in any county
2 in which:

- 3 (1) the protective order was issued; or
- 4 (2) the offense was committed, without regard to the
5 identity or location of the court that issued the protective order.
6 (Code Crim. Proc., Art. 13.38.)

7 Source Law

8 Art. 13.38. VENUE FOR PROTECTIVE ORDER
9 OFFENSES. The venue for an offense under Section 25.07
10 or 25.072, Penal Code, is in the county in which the
11 order was issued or, without regard to the identity or
12 location of the court that issued the protective
13 order, in the county in which the offense was
14 committed.

15 Revised Law

16 Art. 13A.204. CONTINUOUS VIOLENCE AGAINST THE FAMILY. An
17 offense under Section 25.11, Penal Code, may be prosecuted in any
18 county in which the defendant engaged in the conduct constituting
19 an offense under Section 22.01(a)(1), Penal Code, against a person
20 described by Section 25.11(a), Penal Code. (Code Crim. Proc., Art.
21 13.072.)

22 Source Law

23 Art. 13.072. CONTINUOUS VIOLENCE AGAINST THE
24 FAMILY COMMITTED IN MORE THAN ONE COUNTY. An offense
25 under Section 25.11, Penal Code, may be prosecuted in
26 any county in which the defendant engaged in the
27 conduct constituting an offense under Section
28 22.01(a)(1), Penal Code, against a person described by
29 Section 25.11(a), Penal Code.

30 SUBCHAPTER F. OFFENSES AGAINST PROPERTY

31 Revised Law

32 Art. 13A.251. THEFT; ORGANIZED RETAIL THEFT; CARGO THEFT.

33 (a) An offense involving property that is stolen in one county and
34 removed to another county may be prosecuted in any county:

- 35 (1) in which the property was stolen; or
- 36 (2) through or into which the property was removed.

37 (b) An offense under Section 31.16 or 31.18, Penal Code, may
38 be prosecuted in any county in which an underlying theft could have
39 been prosecuted as a separate offense. (Code Crim. Proc., Art.
40 13.08.)

1 omits the quoted language for consistency in the
2 terminology used in the chapter.

3 Revised Law

4 Art. 13A.253. UNAUTHORIZED ACQUISITION OR TRANSFER OF
5 CERTAIN FINANCIAL INFORMATION. An offense under Section 31.17,
6 Penal Code, may be prosecuted in:

- 7 (1) any county in which the offense was committed; or
8 (2) the county in which the victim resides. (Code
9 Crim. Proc., Art. 13.295.)

10 Source Law

11 Art. 13.295. UNAUTHORIZED ACQUISITION OR
12 TRANSFER OF CERTAIN FINANCIAL INFORMATION. An offense
13 under Section 31.17, Penal Code, may be prosecuted in
14 any county in which the offense was committed or in the
15 county of residence of the person whose financial
16 sight order or payment card information was unlawfully
17 obtained or transferred.

18 Revised Law

19 Art. 13A.254. FORGERY. Forgery may be prosecuted in:

- 20 (1) any county in which the writing was:
21 (A) forged;
22 (B) used or passed or attempted to be used or
23 passed; or
24 (C) deposited or placed with another person,
25 firm, association, or corporation for collection or credit for the
26 account of any person, firm, association, or corporation; or
27 (2) if the forging and the uttering, using, or passing
28 of a forged instrument in writing concerns or affects the title to
29 real property in this state, a county in which any part of the
30 property is located. (Code Crim. Proc., Art. 13.02.)

31 Source Law

32 Art. 13.02. FORGERY. Forgery may be prosecuted
33 in any county where the writing was forged, or where
34 the same was used or passed, or attempted to be used or
35 passed, or deposited or placed with another person,
36 firm, association, or corporation either for
37 collection or credit for the account of any person,
38 firm, association or corporation. In addition, a
39 forging and uttering, using or passing of forged
40 instruments in writing which concern or affect the
41 title to land in this State may be prosecuted in the
42 county in which such land, or any part thereof, is

1 situated.

2 Revised Law

3 Art. 13A.255. CREDIT CARD OR DEBIT CARD ABUSE. An offense
4 under Section 32.31, Penal Code, may be prosecuted in any county in
5 which:

- 6 (1) the offense was committed; or
7 (2) any person whose credit card or debit card was
8 unlawfully possessed or used resides. (Code Crim. Proc., Art.
9 13.291.)

10 Source Law

11 Art. 13.291. CREDIT CARD OR DEBIT CARD ABUSE.
12 An offense under Section 32.31, Penal Code, may be
13 prosecuted in any county in which the offense was
14 committed or in the county of residence for any person
15 whose credit card or debit card was unlawfully
16 possessed or used by the defendant.

17 Revised Law

18 Art. 13A.256. HINDERING SECURED CREDITORS. An offense
19 involving secured property that is taken from one county and
20 unlawfully disposed of in another county or state may be prosecuted
21 in the county:

- 22 (1) in which the secured property was disposed of;
23 (2) from which the secured property was removed; or
24 (3) in which the security agreement is filed. (Code
25 Crim. Proc., Art. 13.09.)

26 Source Law

27 Art. 13.09. HINDERING SECURED CREDITORS. If
28 secured property is taken from one county and
29 unlawfully disposed of in another county or state, the
30 offender may be prosecuted either in the county in
31 which such property was disposed of, or in the county
32 from which it was removed, or in the county in which
33 the security agreement is filed.

34 Revisor's Note

35 Article 13.09, Code of Criminal Procedure,
36 provides that "[i]f" secured property is taken from
37 one county and unlawfully disposed of in another
38 county or state, the "offender" may be prosecuted in
39 certain counties. For clarity and the convenience of
40 the reader, the revised law substitutes "[a]n offense

1 involving" for "[i]f" because it is clear from the
2 context that the provision only applies if an offense
3 has been committed. The revised law also substitutes
4 "offense" for "offender" for the reason stated in
5 Revisor's Note (1) to Article 13A.054.

6 Revised Law

7 Art. 13A.257. ILLEGAL RECRUITMENT OF AN ATHLETE. Illegal
8 recruitment of an athlete may be prosecuted in any county in which:

- 9 (1) the offense was committed; or
10 (2) is located the institution of higher education in
11 which the athlete agreed or was influenced to enroll. (Code Crim.
12 Proc., Art. 13.24.)

13 Source Law

14 Art. 13.24. ILLEGAL RECRUITMENT OF ATHLETES.
15 An offense of illegal recruitment of an athlete may be
16 prosecuted in any county in which the offense was
17 committed or in the county in which is located the
18 institution of higher education in which the athlete
19 agreed to enroll or was influenced to enroll.

20 Revisor's Note

21 Article 13.24, Code of Criminal Procedure,
22 provides that "[a]n offense of" illegal recruitment of
23 an athlete may be prosecuted in certain counties. The
24 revised law omits "an offense of" for the reason stated
25 in the revisor's note to Article 13A.252.

26 Revised Law

27 Art. 13A.258. MISAPPLICATION OF CERTAIN PROPERTY. (a)
28 Except as provided by Subsection (b), an offense involving the
29 misapplication of property held as a fiduciary or property of a
30 financial institution in one county and the removal of that
31 property to another county may be prosecuted in any county:

- 32 (1) in which the property was misapplied;
33 (2) through or into which the property was removed; or
34 (3) in which the fiduciary was appointed to serve, if
35 applicable.

36 (b) An offense related to misapplication of construction

1 trust funds under Chapter 162, Property Code, must be prosecuted in
2 the county in which the construction project is located. (Code
3 Crim. Proc., Art. 13.32.)

4 Source Law

5 Art. 13.32. MISAPPLICATION OF CERTAIN PROPERTY.

6 (a) An offender who misapplies property held as a
7 fiduciary or property of a financial institution in
8 one county and removes the property to another county
9 may be prosecuted in the county where the offender
10 misapplied the property, in any other county through
11 or into which the offender removed the property, or, as
12 applicable, in the county in which the fiduciary was
13 appointed to serve.

14 (b) An offense related to misapplication of
15 construction trust funds under Chapter 162, Property
16 Code, must be prosecuted in the county where the
17 construction project is located.

18 Revisor's Note

19 Article 13.32(a), Code of Criminal Procedure,
20 provides that, for offenses involving misapplication
21 of certain property, the "offender . . . may be
22 prosecuted" in certain counties. The revised law
23 substitutes "offense" for "offender" for the reason
24 stated in Revisor's Note (1) to Article 13A.054.

25 Revised Law

26 Art. 13A.259. CERTAIN DECEPTIVE PRACTICES. An offense
27 under Section 32.46, 32.48, or 32.49, Penal Code, may be prosecuted
28 in any county:

29 (1) from which any material document was sent; or

30 (2) in which any material document was delivered.

31 (Code Crim. Proc., Art. 13.27 (part).)

32 Source Law

33 Art. 13.27. SIMULATING LEGAL PROCESS. An
34 offense under Section 32.46, 32.48, 32.49, or . . .
35 Penal Code, may be prosecuted either in the county from
36 which any material document was sent or in the county
37 in which it was delivered.

38 Revised Law

39 Art. 13A.260. FRAUDULENT USE OR POSSESSION OF IDENTIFYING
40 INFORMATION. An offense under Section 32.51, Penal Code, may be
41 prosecuted in:

42 (1) any county in which the offense was committed; or

1 (2) the county in which the victim resides. (Code
2 Crim. Proc., Art. 13.29.)

3 Source Law

4 Art. 13.29. FRAUDULENT USE OR POSSESSION OF
5 IDENTIFYING INFORMATION. An offense under Section
6 32.51, Penal Code, may be prosecuted in any county in
7 which the offense was committed or in the county of
8 residence for the person whose identifying information
9 was fraudulently obtained, possessed, transferred, or
10 used.

11 Revised Law

12 Art. 13A.261. FRAUDULENT, SUBSTANDARD, OR FICTITIOUS
13 DEGREE. An offense under Section 32.52, Penal Code, may be
14 prosecuted in:

15 (1) any county in which an element of the offense
16 occurs; or

17 (2) Travis County. (Code Crim. Proc., Art. 13.30.)

18 Source Law

19 Art. 13.30. FRAUDULENT, SUBSTANDARD, OR
20 FICTITIOUS DEGREE. An offense under Section 32.52,
21 Penal Code, may be prosecuted in the county in which an
22 element of the offense occurs or in Travis County.

23 Revised Law

24 Art. 13A.262. MORTGAGE FRAUD. (a) In this article, "real
25 estate transaction" means a sale, lease, trade, exchange, gift,
26 grant, or other conveyance of a real property interest.

27 (b) Any offense under Chapter 32, Penal Code, that involves
28 a real estate transaction may be prosecuted in:

29 (1) the county in which the property is located;

30 (2) any county in which part of the transaction
31 occurred, including the generation of documentation supporting the
32 transaction; or

33 (3) if the offense is an offense under Section 32.46,
34 32.48, or 32.49, Penal Code, any county described by Subdivision
35 (1) or (2) or authorized by Article 13A.259. (Code Crim. Proc.,
36 Art. 13.271.)

37 Source Law

38 Art. 13.271. PROSECUTION OF MORTGAGE FRAUD.
39 (a) In this article, "real estate transaction" means a

1 sale, lease, trade, exchange, gift, grant, or other
2 conveyance of a real property interest.

3 (b) Any offense under Chapter 32, Penal Code,
4 that involves a real estate transaction may be
5 prosecuted in:

6 (1) the county where the property is
7 located; or

8 (2) any county in which part of the
9 transaction occurred, including the generation of
10 documentation supporting the transaction.

11 (c) An offense under Section 32.46, 32.48, or
12 32.49, Penal Code, that involves a real estate
13 transaction may also be prosecuted in any county
14 authorized by Article 13.27.

15 Revisor's Note

16 Article 13.271(c), Code of Criminal Procedure,
17 provides that an offense under Section 32.46, 32.48,
18 or 32.49, Penal Code, that involves a real estate
19 transaction may be prosecuted in any county authorized
20 by Article 13.27, Code of Criminal Procedure. The
21 relevant portion of Article 13.27 is revised as
22 Article 13A.259 of this chapter. The revised law is
23 drafted accordingly.

24 Revised Law

25 Art. 13A.263. COMPUTER OFFENSES. (a) In this article,
26 "access," "computer," "computer network," "computer program,"
27 "computer system," and "owner" have the meanings assigned by
28 Section 33.01, Penal Code.

29 (b) An offense under Chapter 33, Penal Code, may be
30 prosecuted in any county:

31 (1) that is the principal place of business of the
32 owner or lessee of a computer, computer network, or computer system
33 involved in the offense;

34 (2) in which a defendant had control or possession of:

35 (A) any proceeds of the offense; or

36 (B) any books, records, documents, property,
37 negotiable instruments, computer programs, or other material used
38 in furtherance of the offense;

39 (3) from which, to which, or through which access to a
40 computer, computer network, computer program, or computer system
41 was made in violation of Chapter 33, Penal Code, whether by wires,

1 electromagnetic waves, microwaves, or any other means of
2 communication; or

3 (4) in which an individual who is a victim of the
4 offense resides. (Code Crim. Proc., Art. 13.25.)

5 Source Law

6 Art. 13.25. COMPUTER CRIMES. (a) In this
7 section "access," "computer," "computer network,"
8 "computer program," "computer system," and "owner"
9 have the meanings assigned to those terms by Section
10 33.01, Penal Code.

11 (b) An offense under Chapter 33, Penal Code, may
12 be prosecuted in:

13 (1) the county of the principal place of
14 business of the owner or lessee of a computer, computer
15 network, or computer system involved in the offense;

16 (2) any county in which a defendant had
17 control or possession of:

18 (A) any proceeds of the offense; or

19 (B) any books, records, documents,
20 property, negotiable instruments, computer programs,
21 or other material used in furtherance of the offense;

22 (3) any county from which, to which, or
23 through which access to a computer, computer network,
24 computer program, or computer system was made in
25 violation of Chapter 33, whether by wires,
26 electromagnetic waves, microwaves, or any other means
27 of communication; or

28 (4) any county in which an individual who
29 is a victim of the offense resides.

30 Revisor's Note

31 Article 13.25(a), Code of Criminal Procedure,
32 provides the definitions of certain words in "this
33 section." The quoted language is a drafting error
34 because Chapter 13, Code of Criminal Procedure, is
35 organized in articles rather than sections. The
36 revised law is drafted accordingly.

37 Revised Law

38 Art. 13A.264. TELECOMMUNICATIONS OFFENSES. An offense
39 under Chapter 33A, Penal Code, may be prosecuted in any county:

40 (1) in which the telecommunications service
41 originated or terminated; or

42 (2) to which the bill for the telecommunications
43 service was or would have been delivered. (Code Crim. Proc., Art.
44 13.26.)

1 be classified as a felony is necessarily a criminal
2 offense.

3 SUBCHAPTER G. OFFENSES AGAINST PUBLIC ADMINISTRATION

4 Revised Law

5 Art. 13A.301. OBSTRUCTION OR RETALIATION. An offense under
6 Section 36.06(a)(1), Penal Code, may be prosecuted in any county in
7 which:

8 (1) the harm occurs; or

9 (2) the threat to do harm originated or was received.

10 (Code Crim. Proc., Art. 13.37.)

11 Source Law

12 Art. 13.37. OBSTRUCTION OR RETALIATION. An
13 offense under Section 36.06(a)(1), Penal Code, may be
14 prosecuted in any county in which:

15 (1) the harm occurs; or

16 (2) the threat to do harm originated or was
17 received.

18 Revised Law

19 Art. 13A.302. PERJURY. Perjury or aggravated perjury may
20 be prosecuted in any county in which:

21 (1) the offense was committed; or

22 (2) the false statement is used or attempted to be
23 used. (Code Crim. Proc., Art. 13.03.)

24 Source Law

25 Art. 13.03. PERJURY. Perjury and aggravated
26 perjury may be prosecuted in the county where
27 committed, or in the county where the false statement
28 is used or attempted to be used.

29 Revised Law

30 Art. 13A.303. RECORD OF A FRAUDULENT COURT. An offense
31 under Section 37.13, Penal Code, may be prosecuted in any county:

32 (1) from which any material document was sent; or

33 (2) in which any material document was delivered.
34 (Code Crim. Proc., Art. 13.27 (part).)

35 Source Law

36 Art. 13.27. SIMULATING LEGAL PROCESS. An
37 offense under Section . . . 37.13, Penal Code, may be
38 prosecuted either in the county from which any
39 material document was sent or in the county in which it
40 was delivered.

1 Revised Law

2 Art. 13A.304. ESCAPE; UNAUTHORIZED ABSENCE. An offense
3 under Section 38.06 or 38.113, Penal Code, may be prosecuted in any
4 county in which:

5 (1) the offense was committed; or

6 (2) the defendant committed the offense for which the
7 defendant was placed in custody, detained, or required to submit to
8 treatment. (Code Crim. Proc., Art. 13.28.)

9 Source Law

10 Art. 13.28. ESCAPE; UNAUTHORIZED ABSENCE. An
11 offense of escape under Section 38.06, Penal Code, or
12 unauthorized absence under Section 38.113, Penal Code,
13 may be prosecuted in:

14 (1) the county in which the offense of
15 escape or unauthorized absence was committed; or

16 (2) the county in which the defendant
17 committed the offense for which the defendant was
18 placed in custody, detained, or required to submit to
19 treatment.

20 Revisor's Note

21 Article 13.28, Code of Criminal Procedure,
22 provides that an offense "of escape" under Section
23 38.06, Penal Code, or "unauthorized absence" under
24 Section 38.113, Penal Code, may be prosecuted in the
25 county in which "the offense of escape or unauthorized
26 absence was committed." The revised law omits the
27 references to "escape" and "unauthorized absence" as
28 unnecessary. Article 13.28 references the sections of
29 the Penal Code creating the offenses of escape and
30 unauthorized absence from certain places. No other
31 offenses are referenced or included in those sections
32 or in this article.

33 SUBCHAPTER H. OFFENSES AGAINST PUBLIC ORDER AND DECENCY

34 Revised Law

35 Art. 13A.451. FALSE REPORT TO INDUCE EMERGENCY RESPONSE.
36 An offense under Section 42.0601, Penal Code, may be prosecuted in
37 any county in which:

38 (1) the defendant resides;

1 (2) the false report was made; or
2 (3) a law enforcement agency or other emergency
3 responder responded to the false report. (Code Crim. Proc., Art.
4 13.40.)

5 Source Law

6 Art. 13.40. FALSE REPORT TO INDUCE EMERGENCY
7 RESPONSE. An offense under Section 42.0601, Penal
8 Code, may be prosecuted in any county in which:

- 9 (1) the defendant resides;
10 (2) the false report was made; or
11 (3) a law enforcement agency or other
12 emergency responder responded to the false report.

13 SUBCHAPTER I. ORGANIZED CRIME

14 Revised Law

15 Art. 13A.501. ENGAGING IN ORGANIZED CRIMINAL ACTIVITY.

16 Engaging in organized criminal activity may be prosecuted in:

17 (1) any county in which an act is committed to effect
18 an objective of the combination; or

19 (2) if the prosecution is based on an offense
20 classified as a felony under the Tax Code, any county in which venue
21 is proper under the Tax Code for the offense. (Code Crim. Proc.,
22 Art. 13.21.)

23 Source Law

24 Art. 13.21. ORGANIZED CRIMINAL ACTIVITY. The
25 offense of engaging in organized criminal activity may
26 be prosecuted in any county in which any act is
27 committed to effect an objective of the combination
28 or, if the prosecution is based on a criminal offense
29 classified as a felony under the Tax Code, in any
30 county in which venue is proper under the Tax Code for
31 the offense.

32 Revisor's Note

33 Article 13.21, Code of Criminal Procedure, states
34 that "[t]he offense of" engaging in organized criminal
35 activity based on a "criminal offense" classified as a
36 felony under the Tax Code may be prosecuted in certain
37 counties. The revised law omits "[t]he offense of" for
38 the reason stated in the revisor's note to Article
39 13A.252. The revised law also omits the term
40 "criminal" for the reason stated in Revisor's Note (2)

1 to Article 13A.265.

2 SUBCHAPTER J. OFFENSES OUTSIDE PENAL CODE

3 Revised Law

4 Art. 13A.551. FAILURE TO COMPLY WITH SEX OFFENDER
5 REGISTRATION STATUTE. An offense under Chapter 62 may be
6 prosecuted in any county in which:

7 (1) an element of the offense occurs;

8 (2) the defendant last registered, verified
9 registration, or otherwise complied with a requirement under
10 Chapter 62;

11 (3) the defendant has indicated that the defendant
12 intends to reside, regardless of whether the defendant establishes
13 or attempts to establish residency in that county;

14 (4) the defendant is placed under custodial arrest for
15 an offense subsequent to the defendant's most recent reportable
16 conviction or adjudication under Chapter 62; or

17 (5) the defendant resides or is found by a peace
18 officer, regardless of how long the defendant has been in the county
19 or intends to stay in the county. (Code Crim. Proc., Art. 13.31.)

20 Source Law

21 Art. 13.31. FAILURE TO COMPLY WITH SEX OFFENDER
22 REGISTRATION STATUTE. An offense under Chapter 62 may
23 be prosecuted in:

24 (1) any county in which an element of the
25 offense occurs;

26 (2) the county in which the person subject
27 to Chapter 62 last registered, verified registration,
28 or otherwise complied with a requirement of Chapter
29 62;

30 (3) the county in which the person
31 required to register under Chapter 62 has indicated
32 that the person intends to reside, regardless of
33 whether the person establishes or attempts to
34 establish residency in that county;

35 (4) any county in which the person
36 required to register under Chapter 62 is placed under
37 custodial arrest for an offense subsequent to the
38 person's most recent reportable conviction or
39 adjudication under Chapter 62; or

40 (5) the county in which the person
41 required to register under Chapter 62 resides or is
42 found by a peace officer, regardless of how long the
43 person has been in the county or intends to stay in the
44 county.

1 Revisor's Note

2 Article 13.31, Code of Criminal Procedure,
3 provides that an offense under Chapter 62 of that code
4 may be prosecuted in the county in which "the person
5 subject to Chapter 62" last complied with a
6 requirement of that chapter or the county in which "the
7 person required to register under Chapter 62"
8 indicated an intent to reside, was placed under
9 custodial arrest, resides, or is found by a peace
10 officer. Throughout the article, the revised law
11 substitutes "defendant" for the quoted language for
12 consistency in the terminology used in this chapter
13 and because a defendant charged with an offense under
14 Chapter 62, Code of Criminal Procedure, is necessarily
15 a person subject to that chapter or required to
16 register under it.

17 Revised Law

18 Art. 13A.552. CERTAIN OFFENSES COMMITTED AGAINST CHILD
19 COMMITTED TO TEXAS JUVENILE JUSTICE DEPARTMENT. An offense
20 described by Article 104.003(a) committed by an employee or officer
21 of the Texas Juvenile Justice Department or a person providing
22 services under a contract with the department against a child
23 committed to the department may be prosecuted in:

24 (1) any county in which an element of the offense
25 occurred; or

26 (2) Travis County. (Code Crim. Proc., Art. 13.34.)

27 Source Law

28 Art. 13.34. CERTAIN OFFENSES COMMITTED AGAINST
29 A CHILD COMMITTED TO THE TEXAS JUVENILE JUSTICE
30 DEPARTMENT. An offense described by Article
31 104.003(a) committed by an employee or officer of the
32 Texas Juvenile Justice Department or a person
33 providing services under a contract with the
34 department against a child committed to the department
35 may be prosecuted in:

36 (1) any county in which an element of the
37 offense occurred; or

38 (2) Travis County.

1 Revised Law

2 Art. 13A.553. POSSESSION AND DELIVERY OF MARIHUANA.

3 Possession or delivery of marihuana may be prosecuted in:

4 (1) any county in which the offense was committed; or

5 (2) with the consent of the defendant, any county that
6 is adjacent to and in the same judicial district as any county in
7 which the offense was committed. (Code Crim. Proc., Art. 13.22.)

8 Source Law

9 Art. 13.22. POSSESSION AND DELIVERY OF
10 MARIHUANA. An offense of possession or delivery of
11 marihuana may be prosecuted in the county where the
12 offense was committed or with the consent of the
13 defendant in a county that is adjacent to and in the
14 same judicial district as the county where the offense
15 was committed.

16 Revisor's Note

17 Article 13.22, Code of Criminal Procedure, states
18 that "[a]n offense of" possession or delivery of
19 marihuana may be prosecuted in certain counties. The
20 revised law omits "[a]n offense of" for the reason
21 stated in the revisor's note to Article 13A.252.

22 Revised Law

23 Art. 13A.554. FAILURE TO COMPLY WITH SEXUALLY VIOLENT
24 PREDATOR CIVIL COMMITMENT REQUIREMENT. An offense under Section
25 841.085, Health and Safety Code, may be prosecuted in:

26 (1) any county in which an element of the offense
27 occurs; or

28 (2) the court that retains jurisdiction over the civil
29 commitment proceeding under Section 841.082, Health and Safety
30 Code. (Code Crim. Proc., Art. 13.315.)

31 Source Law

32 Art. 13.315. FAILURE TO COMPLY WITH SEXUALLY
33 VIOLENT PREDATOR CIVIL COMMITMENT REQUIREMENT. An
34 offense under Section 841.085, Health and Safety Code,
35 may be prosecuted in the county in which any element of
36 the offense occurs or in the court that retains
37 jurisdiction over the civil commitment proceeding
38 under Section 841.082, Health and Safety Code.

