

HB 1173 -- CRIMINAL PROCEEDINGS

SPONSOR: Cornejo

This bill changes the laws regarding criminal proceedings. The bill specifies that in preliminary hearings, the findings by the court must be based on the testimony of witnesses, written reports of expert witnesses, unpredicated documentary evidence for which there is a substantial basis to believe that a predicate for its admission will be available at trial, or hearsay if there is a substantial basis for believing that the hearsay is credible.

The bill changes the procedure for a change of venue. Currently, the defendant may be granted a change of venue automatically in a county with a population of 75,000 or less or in a case where the moving party can show substantial prejudice. The bill specifies that upon written application by the defendant within 30 days after arraignment, a change of venue may be ordered in any felony proceeding if the inhabitants of the county are prejudiced against the defendant or the state has an undue influence over the residents of the county. The bill also allows the court to secure a jury from another county.