

By: Cook

H.B. No. 2961

A BILL TO BE ENTITLED

AN ACT

relating to jury instructions regarding a conspiracy in certain criminal cases.

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

SECTION 1. Chapter 36, Code of Criminal Procedure, is amended by adding Article 36.145 to read as follows:

Art. 36.145. REQUIRED JURY INSTRUCTION ON CRIMINAL CONSPIRACY IN CERTAIN CASES. During the trial of a case in which the defendant is tried as a conspirator under Section 7.02(b), Penal Code, the judge shall include in the court's charge under Article 36.14 the following statement:

"A criminal conspiracy is an agreement between two or more persons, with intent that a felony be committed, that they, or one or more of them, engage in conduct that would constitute the offense, and one or more of them perform an overt act in pursuance of the agreement. An agreement constituting a conspiracy may be inferred from acts of the parties."

SECTION 2. Article 36.145, Code of Criminal Procedure, as added by this Act, applies only to a trial that begins on or after the effective date of this Act, regardless of whether the alleged offense was committed before, on, or after that date.

SECTION 3. This Act takes effect September 1, 2023.