

## **BILL ANALYSIS**

H.B. 5159  
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Criminal Jurisprudence  
Committee Report (Unamended)

### **BACKGROUND AND PURPOSE**

Currently, when a jury has expressed multiple times that they are deadlocked, a judge may issue a note called the "Allen charge." The note explains to the jury that no other jury would hear anything different than they would, and that they have a duty to conscientiously decide the case. This can sometimes be interpreted as a last effort to get the jury to reach a unanimous decision. H.B. 5159 seeks to ensure that both parties in a criminal case, the prosecution and the defense, have the opportunity to present an argument to the jury by requiring a court to permit each party to present an argument to the jury if the court delivers a further charge to the jury.

### **CRIMINAL JUSTICE IMPACT**

It is the committee's opinion that this bill does not expressly create a criminal offense, increase the punishment for an existing criminal offense or category of offenses, or change the eligibility of a person for community supervision, parole, or mandatory supervision.

### **RULEMAKING AUTHORITY**

It is the committee's opinion that this bill does not expressly grant any additional rulemaking authority to a state officer, department, agency, or institution.

### **ANALYSIS**

H.B. 5159 amends the Code of Criminal Procedure to require a court to permit each party to present an argument to the jury if the court delivers a further charge to the jury resulting from an improper argument of counsel, the jury's request, or the introduction of other testimony.

H.B. 5159 applies only to a criminal proceeding that commences on or after the bill's effective date.

### **EFFECTIVE DATE**

September 1, 2023.