

By: Moody

H.B. No. 5028

A BILL TO BE ENTITLED

AN ACT

relating to an argument before the jury after a subsequent jury charge in a criminal case.

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

SECTION 1. Article 36.16, Code of Criminal Procedure, is amended to read as follows:

Art. 36.16. FINAL CHARGE. (a) After the judge shall have received the objections to the judge's ~~[his]~~ main charge, together with any special charges offered, the judge ~~[he]~~ may make those ~~[such]~~ changes in the ~~[his]~~ main charge as the judge ~~[he]~~ may deem proper, and the defendant or the defendant's ~~[his]~~ counsel shall have the opportunity to present ~~[their]~~ objections to the main charge ~~[thereto and]~~ in the same manner as ~~[is]~~ provided in Article 36.15. The ~~[, and thereupon the]~~ judge shall read the ~~[his]~~ charge to the jury as finally written, together with any special charges given, and no further exception or objection shall be required of the defendant ~~[in order]~~ to preserve any objections or exceptions previously ~~[theretofore]~~ made.

(b) After the argument begins no further charge shall be given to the jury unless required by the improper argument of counsel or the request of the jury, or unless the judge shall, in the judge's ~~[his]~~ discretion, permit the introduction of other testimony, and in the event of a ~~[such]~~ further charge, the defendant or the defendant's ~~[his]~~ counsel shall have the right to

1 present objections in the same manner as is prescribed in Article
2 36.15. The failure of the court to give the defendant or the
3 defendant's [~~his~~] counsel a reasonable time to examine the charge
4 and specify the ground of objection shall be subject to review
5 either in the trial court or in the appellate court.

6 (c) The court shall permit each party to present an argument
7 to the jury if the court delivers a further charge to the jury under
8 Subsection (b).

9 SECTION 2. The change in law made by this Act applies only
10 to a criminal proceeding that commences on or after the effective
11 date of this Act. A criminal proceeding that commences before the
12 effective date of this Act is governed by the law in effect on the
13 date the proceeding commenced, and the former law is continued in
14 effect for that purpose.

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