

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2005

S

1

SENATE BILL 492

Short Title: Jury Exhibits.

(Public)

Sponsors: Senator Hagan.

Referred to: Judiciary I.

March 15, 2005

A BILL TO BE ENTITLED

AN ACT TO PROVIDE THAT THE PRESIDING TRIAL JUDGE IN BOTH CIVIL AND CRIMINAL CASES HAS THE SOLE DISCRETION TO DETERMINE WHETHER JURORS MAY TAKE EXHIBITS INTRODUCED INTO EVIDENCE IN THE JURY ROOM AND THAT THE CONSENT OF ALL PARTIES IS NOT NECESSARY.

The General Assembly of North Carolina enacts:

SECTION 1. G.S. 15A-1233(b) reads as rewritten:

"(b) Upon request by the ~~jury and with consent of all parties,~~ jury, the judge may in his or her discretion permit the jury to take to the jury room exhibits and writings which have been received in evidence. If the judge permits the jury to take to the jury room requested exhibits and writings, ~~he the judge~~ may have the jury take additional material or first review other evidence relating to the same issue so as not to give undue prominence to the exhibits or writings taken to the jury room. If the judge permits an exhibit to be taken to the jury room, ~~he the judge~~ must, upon request, instruct the jury not to conduct any experiments with the exhibit."

SECTION 2. Article 19 of Chapter 1 of the General Statutes is amended by adding a new section to read:

§ 1-181.2. Use of evidence by the jury.

Upon request by the jury, the judge may in his or her discretion permit the jury to take to the jury room exhibits and writings which have been received in evidence. If the judge permits the jury to take to the jury room requested exhibits and writings, the judge may have the jury take additional material or first review other evidence relating to the same issue so as not to give undue prominence to the exhibits or writings taken to the jury room. If the judge permits an exhibit to be taken to the jury room, the judge must, upon request, instruct the jury not to conduct any experiments with the exhibit."

SECTION 3. This act becomes effective December 1, 2005.