

GENERAL ASSEMBLY OF NORTH CAROLINA  
SESSION 2007

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SENATE BILL 1117  
Judiciary I (Civil) Committee Substitute Adopted 5/15/07

Short Title: Civil Trial Exhibits.

(Public)

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Sponsors:

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Referred to:

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March 22, 2007

A BILL TO BE ENTITLED

AN ACT TO PROVIDE THAT THE PRESIDING TRIAL JUDGE IN CIVIL 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 AND TO PROVIDE THAT DEPOSITIONS MAY ONLY BE TAKEN INTO THE JURY ROOM WITH CONSENT OF THE PARTIES.

The General Assembly of North Carolina enacts:

**SECTION 1.** 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.**

(a) If the jury in a civil action after retiring for deliberation requests a review of certain testimony or other evidence, the jurors must be conducted to the courtroom. The court in its discretion, after notice to the plaintiff and defendant, may direct that requested parts of the testimony be read to the jury and may permit the jury to reexamine in open court the requested materials admitted into evidence. The court in its discretion may also have the jury review other evidence relating to the same factual issue so as not to give undue prominence to the evidence requested.

(b) Upon request by the jury, the court may in its discretion permit the jury to take exhibits that have been received in evidence into the jury room. Depositions may be taken into the jury room upon request of the jury only with consent of the parties.

(c) In sending any exhibits to the jury, the court should ensure that the evidentiary integrity of the exhibit is preserved."

**SECTION 2.** This act becomes effective for trials commencing on or after October 1, 2007.