

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2007

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SENATE BILL 1117
Judiciary I (Civil) Committee Substitute Adopted 5/15/07
House Committee Substitute Favorable 7/24/07

Short Title: Civil Trial Exhibits.

(Public)

Sponsors:

Referred to:

March 22, 2007

A BILL TO BE ENTITLED

1 AN ACT TO PROVIDE THAT THE PRESIDING TRIAL JUDGE IN CIVIL CASES
2 HAS THE SOLE DISCRETION TO DETERMINE WHETHER JURORS MAY
3 TAKE INTO THE JURY ROOM EXHIBITS INTRODUCED INTO EVIDENCE
4 AND PASSED TO THE JURY IN THE COURSE OF THE TRIAL,
5 PHOTOGRAPHS ADMITTED INTO EVIDENCE, SHOWN TO THE JURY AND
6 USED BY ANY WITNESSES IN THEIR TESTIMONY, AND ANY
7 ILLUSTRATIVE EXHIBIT ADMITTED INTO EVIDENCE AND USED BY ANY
8 WITNESSES IN THEIR TESTIMONY EXCEPT SUMMARIES OF TESTIMONY,
9 LISTS MADE IN THE COURTROOM AND SUCH SIMILAR DOCUMENTS
10 AND THAT THE CONSENT OF ALL PARTIES IS NOT NECESSARY, AND TO
11 PROVIDE THAT DEPOSITIONS MAY ONLY BE TAKEN INTO THE JURY
12 ROOM WITH CONSENT OF THE PARTIES.
13

14 The General Assembly of North Carolina enacts:

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

17 **"§ 1-181.2. Use of evidence by the jury.**

18 (a) If the jury in a civil action after retiring for deliberation requests a review of
19 certain testimony or other evidence, the jurors must be conducted to the courtroom. The
20 court in its discretion, after notice to the parties and giving the parties an opportunity to
21 be heard, may direct that requested parts of the testimony be read to the jury and may
22 permit the jury to reexamine in open court the requested materials admitted into
23 evidence. The court in its discretion may also have the jury review other evidence
24 relating to the same factual issue so as not to give undue prominence to the evidence
25 requested.

26 (b) Upon request by the jury, the court may in its discretion and after permitting
27 the parties an opportunity to be heard permit the jury to take into the jury room admitted
28 exhibits which have been passed to the jury, photographs admitted into evidence and

1 shown to the jury and used by any witnesses in their testimony before the jury, and any
2 illustrative exhibits admitted into evidence and used by any witnesses in their testimony
3 before the jury. Summaries of testimony prepared in the courtroom by any party, lists
4 made by any party in the courtroom and such similar documents shall not be sent to the
5 jury room with the jury, even if admitted into evidence and requested by the jury.
6 Depositions may be taken into the jury room upon request of the jury only with consent
7 of the parties.

8 (c) Upon request by the jury, the court may permit the jury to take into the jury
9 room any exhibit that all parties stipulate and agree may be taken into the jury room.

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

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