

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2009

S

D

SENATE DRS35167-LH-128 (02/26)

Short Title: Jury Exhibits/Criminal Trials. (Public)

Sponsors: Senator Clodfelter.

Referred to:

1 A BILL TO BE ENTITLED
2 AN ACT TO PROVIDE THAT THE PRESIDING TRIAL JUDGE IN A CRIMINAL CASE
3 HAS THE SOLE DISCRETION TO DETERMINE WHETHER JURORS MAY TAKE
4 EXHIBITS INTRODUCED INTO EVIDENCE IN THE JURY ROOM AND THAT THE
5 CONSENT OF ALL PARTIES IS NOT NECESSARY.
6 The General Assembly of North Carolina enacts:
7 SECTION 1. G.S. 15A-1233(b) reads as rewritten:
8 "(b) Upon request by the ~~jury and with consent of all parties,~~ jury, the judge may in his
9 or her discretion permit the jury to take to the jury room exhibits and writings which have been
10 received in evidence. If the judge permits the jury to take to the jury room requested exhibits
11 and writings, ~~he the judge~~ may have the jury take additional material or first review other
12 evidence relating to the same issue so as not to give undue prominence to the exhibits or
13 writings taken to the jury room. If the judge permits an exhibit to be taken to the jury room, ~~he~~
14 the judge must, upon request, instruct the jury not to conduct any experiments with the exhibit."
15 SECTION 2. This act becomes effective December 1, 2009, and applies to trials
16 beginning on or after that date.

