

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2005

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SENATE DRS85205-LH-112 (03/08)

Short Title: Jury Exhibits/Criminal Trials.

(Public)

Sponsors: Senator Clodfelter.

Referred to:

A BILL TO BE ENTITLED

1
2 AN ACT TO PROVIDE THAT THE PRESIDING TRIAL JUDGE IN A CRIMINAL
3 CASE HAS THE SOLE DISCRETION TO DETERMINE WHETHER JURORS
4 MAY TAKE EXHIBITS INTRODUCED INTO EVIDENCE IN THE JURY
5 ROOM AND THAT THE 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
9 in his or her discretion permit the jury to take to the jury room exhibits and writings
10 which have been received in evidence. If the judge permits the jury to take to the jury
11 room requested exhibits and writings, ~~he~~ the judge may have the jury take additional
12 material or first review other evidence relating to the same issue so as not to give undue
13 prominence to the exhibits or writings taken to the jury room. If the judge permits an
14 exhibit to be taken to the jury room, ~~he~~ the judge must, upon request, instruct the jury
15 not to conduct any experiments with the exhibit."

16 **SECTION 2.** This act becomes effective December 1, 2005.