

**GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2007**

**SESSION LAW 2007-407
SENATE BILL 1117**

AN ACT TO PROVIDE THAT THE PRESIDING TRIAL JUDGE IN CIVIL CASES HAS THE SOLE DISCRETION TO DETERMINE WHETHER JURORS MAY TAKE INTO THE JURY ROOM EXHIBITS INTRODUCED INTO EVIDENCE AND PASSED TO THE JURY IN THE COURSE OF THE TRIAL, PHOTOGRAPHS ADMITTED INTO EVIDENCE, SHOWN TO THE JURY AND USED BY ANY WITNESSES IN THEIR TESTIMONY, AND ANY ILLUSTRATIVE EXHIBIT ADMITTED INTO EVIDENCE AND USED BY ANY WITNESSES IN THEIR TESTIMONY EXCEPT SUMMARIES OF TESTIMONY, LISTS MADE IN THE COURTROOM AND SUCH SIMILAR DOCUMENTS 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 parties and giving the parties an opportunity to be heard, 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 and after permitting the parties an opportunity to be heard permit the jury to take into the jury room admitted exhibits which have been passed to the jury, photographs admitted into evidence and shown to the jury and used by any witnesses in their testimony before the jury, and any illustrative exhibits admitted into evidence and used by any witnesses in their testimony before the jury. Summaries of testimony prepared in the courtroom by any party, lists made by any party in the courtroom and such similar documents shall not be sent to the jury room with the jury, even if admitted into evidence and requested by the jury. Depositions may be taken into the jury room upon request of the jury only with consent of the parties.

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

(d) 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.

In the General Assembly read three times and ratified this the 1st day of August, 2007.

s/ Beverly E. Perdue
President of the Senate

s/ Joe Hackney
Speaker of the House of Representatives

s/ Michael F. Easley
Governor

Approved 3:35 a.m. this 21st day of August, 2007