

March 14, 2005

**S 492. JURY EXHIBITS.** *TO PROVIDE THAT THE PRESIDING TRIAL JUDGE IN BOTH CIVIL AND CRIMINAL 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.* Amends GS 15A-1233(b) and enacts new GS 1-181.2 as title indicates. GS 1-181.2 also provides that if judge permits the jury to take exhibits into jury room, judge may have the jury take additional material or first review other evidence relating to the same issue, and instruct jury not to conduct experiments with the exhibits. Effective December 1, 2005.

**Intro. by Hagan.**

Ref. to

GS 1, 15A

April 13, 2005

**S 492. JURY EXHIBITS.** Intro. 3/15/05. Senate committee substitute makes the following changes to 1st edition. Completely rewrites new GS 1-181.2 (civil proceedings) to authorize the court, in its discretion, to permit the jury to take a copy of the charges to the jury room (original bill included only exhibits and writings); to provide that the court "should" (was, may) permit the jury to take exhibits and writings to the jury room, but permits the court to withhold those materials that are potentially dangerous, may be subjected to improper use by the jury, or would unduly prejudice any party; and to require the preservation of the evidentiary integrity of the materials. Makes same amendments to GS 15A-1233 (applicable to criminal proceedings) and further amends GS 15A-1233 to delete provisions specifically authorizing judge to require that jury take additional materials into the jury room and to instruct the jury not to conduct any experiments on exhibits. Also amends new GS 1-181.2 to establish procedures for jury review of testimony. Makes technical changes. Changes the effective date from December 1, 2005, to October 1, 2005.

April 18, 2005

**S 492. JURY EXHIBITS.** Intro. 3/15/05. Senate amendment makes the following changes to 2nd edition. Amends GS 15A-1233 and modifies proposed GS 1-182.2 to provide that the court may (was, should) permit the jury to take exhibits and writings to the jury room.