

Regular Session, 2014

HOUSE BILL NO. 624

BY REPRESENTATIVE ABRAMSON

EVIDENCE: Provides relative to expert testimony

1 AN ACT

2 To amend and reenact Code of Evidence Article 702, relative to expert testimony; to provide
3 certain criteria for expert testimony; and to provide for related matters.

4 Be it enacted by the Legislature of Louisiana:

5 Section 1. Code of Evidence Article 702 is hereby amended and reenacted to read
6 as follows:

7 Art. 702. Testimony by experts

8 ~~If scientific, technical, or other specialized knowledge will assist the trier of~~
9 ~~fact to understand the evidence or to determine a fact in issue, a witness qualified as~~
10 ~~an expert by knowledge, skill, experience, training, or education, may testify thereto~~
11 ~~in the form of an opinion or otherwise.~~ A witness who is qualified as an expert by
12 knowledge, skill, experience, training, or education may testify in the form of an
13 opinion or otherwise if:

14 (1) The expert's scientific, technical, or other specialized knowledge will
15 help the trier of fact to understand the evidence or to determine a fact in issue;

16 (2) The testimony is based on sufficient facts or data;

17 (3) The testimony is the product of reliable principles and methods; and

18 (4) The expert has reliably applied the principles and methods to the facts of
19 the case.

1 Section 2. It is the intent of the Legislature of Louisiana that the enactment of this
2 Act shall not change the law with respect to expert testimony and only codifies existing
3 jurisprudence in *State v. Foret*, 628 So.2d 1116 (La. 1993) requiring expert testimony to
4 have a reliable basis. The language of this Act follows Federal Rule of Evidence 702 as
5 originally intended, as provided in the 1988 Comments to the Article, and states the law in
6 the same word formula used in Federal Rule of Evidence Article 702.

DIGEST

The digest printed below was prepared by House Legislative Services. It constitutes no part of the legislative instrument. The keyword, one-liner, abstract, and digest do not constitute part of the law or proof or indicia of legislative intent. [R.S. 1:13(B) and 24:177(E)]

Abramson

HB No. 624

Abstract: Provides criteria for expert testimony.

Present law authorizes a witness qualified as an expert to testify if his specialized knowledge will assist the trier of fact to understand the evidence or determine a fact in issue.

Proposed law retains present law and codifies existing jurisprudence requiring an expert's opinion to have a reliable basis.

(Amends C.E. Art. 702)