

An Act

(1ST EXTRAORDINARY SESSION)
ENROLLED SENATE
BILL NO. 6X

By: Bingman, Sykes, Jolley and
Shortey of the Senate

and

Shannon, Stiles, Wright,
Grau and Ritze of the House

An Act relating to expert testimony; repealing Section 18, Chapter 228, O.S.L. 2009; amending 12 O.S. 2011, Section 2702, which relates to testimony by experts; removing certain requirements for expert testimony; amending 12 O.S. 2011, Section 2702, as amended by Section 2 of this act, which relates to testimony by experts; establishing requirements for expert testimony; repealing Section 19, Chapter 228, O.S.L. 2009; amending 12 O.S. 2703, which relates to bases of opinion testimony by experts; removing certain prohibition; amending 12 O.S. 2011, Section 2703, as amended by Section 5 of this act, which relates to bases of opinion testimony by experts; prohibiting disclosure of certain information to jury; and providing exception.

SUBJECT: Expert testimony

BE IT ENACTED BY THE PEOPLE OF THE STATE OF OKLAHOMA:

SECTION 1. REPEALER Section 18, Chapter 228, O.S.L. 2009, is hereby repealed.

SECTION 2. AMENDATORY 12 O.S. 2011, Section 2702, is amended to read as follows:

Section 2702. If scientific, technical or other specialized knowledge will assist the trier of fact to understand the evidence or to determine a fact in issue, a witness qualified as an expert by knowledge, skill, experience, training or education may testify in the form of an opinion or otherwise, ~~if:~~

~~1. The testimony is based upon sufficient facts or data;~~

~~2. The testimony is the product of reliable principles and methods; and~~

~~3. The witness has applied the principles and methods reliably to the facts of the case.~~

SECTION 3. AMENDATORY 12 O.S. 2011, Section 2702, as amended by Section 2 of this act, is amended to read as follows:

Section 2702. If scientific, technical or other specialized knowledge will assist the trier of fact to understand the evidence or to determine a fact in issue, a witness qualified as an expert by knowledge, skill, experience, training or education may testify in the form of an opinion or otherwise, if:

1. The testimony is based upon sufficient facts or data;

2. The testimony is the product of reliable principles and methods; and

3. The witness has applied the principles and methods reliably to the facts of the case.

SECTION 4. REPEALER Section 19, Chapter 228, O.S.L. 2009, is hereby repealed.

SECTION 5. AMENDATORY 12 O.S. 2011, Section 2703, is amended to read as follows:

Section 2703. The facts or data in the particular case upon which an expert bases an opinion or inference may be those perceived by or made known to the expert at or before the hearing. If of a type reasonably relied upon by experts in the particular field in forming opinions or inferences upon the subject, the facts or data

need not be admissible in evidence in order for the opinion or inference to be admitted. ~~Facts or data that are otherwise inadmissible shall not be disclosed to the jury by the proponent of the opinion or inference unless the court determines that their probative value in assisting the jury to evaluate the expert's opinion substantially outweighs their prejudicial effect.~~

SECTION 6. AMENDATORY 12 O.S. 2011, Section 2703, as amended by Section 5 of this act, is amended to read as follows:

Section 2703. The facts or data in the particular case upon which an expert bases an opinion or inference may be those perceived by or made known to the expert at or before the hearing. If of a type reasonably relied upon by experts in the particular field in forming opinions or inferences upon the subject, the facts or data need not be admissible in evidence in order for the opinion or inference to be admitted. Facts or data that are otherwise inadmissible shall not be disclosed to the jury by the proponent of the opinion or inference unless the court determines that their probative value in assisting the jury to evaluate the expert's opinion substantially outweighs their prejudicial effect.

Passed the Senate the 5th day of September, 2013.


Presiding Officer of the Senate

Passed the House of Representatives the 9th day of September, 2013.

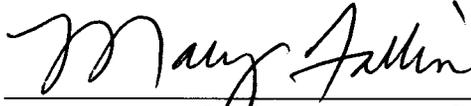

Presiding Officer of the House
of Representatives

OFFICE OF THE GOVERNOR

Received by the Office of the Governor this 9th
day of September, 20 13, at 6:53 o'clock P M.

By: Audrey Lockwell

Approved by the Governor of the State of Oklahoma this 10th
day of September, 20 13, at 4:28 o'clock P M.


Governor of the State of Oklahoma

OFFICE OF THE SECRETARY OF STATE

Received by the Office of the Secretary of State this 10th
day of September, 20 13, at 4:47 o'clock P M.

By: Chris Morris