

## 1 HOUSE BILL NO. 548

2 INTRODUCED BY A. NICASTRO

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4 A BILL FOR AN ACT ENTITLED: "AN ACT PROVIDING THAT THE COURT MUST CONSIDER CERTAIN  
5 FACTORS WHEN ALLOWING AN EXPERT WITNESS TO TESTIFY."6  
7 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:8  
9 NEW SECTION. **Section 1. Expert witness testimony.** Before an expert witness may testify under  
10 Rule 702 of the Montana Rules of Evidence, the court shall determine the following factors:

- 11 (1) if the expert's scientific, technical, or other specialized knowledge will help the trier of fact to
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- 12 understand the evidence or to determine a fact in issue;
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- 13 (2) if the testimony is based on sufficient facts or data;
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- 14 (3) if the testimony is the product of reliable principles and methods; and
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- 15 (4) if the expert's opinion reflects a reliable application of the principles and methods to the facts of
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- 16 the case.

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18 NEW SECTION. **Section 2. Codification instruction.** [Section 1] is intended to be codified as an  
19 integral part of Title 26, chapter 1, part 1, and the provisions of Title 26, chapter 1, part 1, apply to [section 1].

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