

HOUSE BILL NO. 548

INTRODUCED BY A. NICASTRO

A BILL FOR AN ACT ENTITLED: "AN ACT PROVIDING THAT THE COURT MUST CONSIDER CERTAIN FACTORS WHEN ALLOWING AN EXPERT WITNESS TO TESTIFY; AND PROVIDING EXCEPTIONS."

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

NEW SECTION. **Section 1. Expert witness testimony -- exceptions.** Before(1) Except as provided in subsection (2), before an expert witness may testify under Rule 702 of the Montana Rules of Evidence, the court shall determine the following factors:

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

(2)(b) if the testimony is based on sufficient facts or data;

(3)(c) if the testimony is the product of reliable principles and methods; and

(4)(d) if the expert's opinion reflects a reliable application of the principles and methods to the facts of the case.

(2) The provisions of this section do not apply to child abuse and neglect cases subject to Title 41, chapter 3, or criminal cases.

NEW SECTION. **Section 2. Codification instruction.** [Section 1] is intended to be codified as an 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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