

HOUSE SUMMARY OF SENATE AMENDMENTS**HB 226****2019 Regular Session****Jimmy Harris**

EVIDENCE: Provides relative to testimony by experts

Synopsis of Senate Amendments

1. Provides that, in criminal cases, the testimony of a memory and eyewitness identification expert may be considered for admission only if the expert witness testifies in the form of an opinion and satisfies certain requirements set forth in present law.
2. Provides that an expert's testimony on memory and eyewitness identification may not be admitted if there is physical or scientific evidence that corroborates the eyewitness identification of the defendant.

Digest of Bill as Finally Passed by Senate

Present law authorizes a witness qualified as an expert to testify in the form of an opinion or otherwise if:

- (1) The expert's scientific, technical, or other specialized knowledge will help the trier of fact understand the evidence or determine a fact in issue.
- (2) The testimony is based on sufficient facts or data.
- (3) The testimony is the product of reliable principles and methods.
- (4) The expert has reliably applied the principles and methods to the facts of the case.

Proposed law provides that present law also governs expert witnesses on the issue of memory and eyewitness identification. Proposed law further provides that, in criminal cases, if a party seeks to offer testimony of a memory and eyewitness identification expert, such testimony may be considered for admission only if an expert witness is authorized to testify in the form of an opinion. Further provides that an expert's testimony on memory and eyewitness identification may not be admitted if there is physical or scientific evidence that corroborates the eyewitness identification of the defendant.

Proposed law prohibits an expert's testimony from offering an opinion as to whether a witness's eyewitness identification is accurate.

Effective upon signature of governor or lapse of time for gubernatorial action.

(Amends C.E. Art. 702)