

2019 Regular Session

HOUSE BILL NO. 226

BY REPRESENTATIVE JIMMY HARRIS

Prefiled pursuant to Article III, Section 2(A)(4)(b)(i) of the Constitution of Louisiana.

EVIDENCE: Provides relative to testimony by experts

1 AN ACT

2 To amend and reenact Code of Evidence Article 702, relative to testimony by experts; to
3 provide relative to experts testifying on the issue of memory and eyewitness
4 identification; to provide relative to limits on expert testimony; to provide relative
5 to the admissibility of such testimony; and to provide for related matters.

6 Be it enacted by the Legislature of Louisiana:

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

9 Art. 702. Testimony by experts

10 A. A witness who is qualified as an expert by knowledge, skill, experience,
11 training, or education may testify in the form of an opinion or otherwise if:

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

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

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

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

18 B. Nothing in this Article shall limit the parties in calling expert witnesses
19 on the issue of memory and eyewitness identification. Such testimony by expert
20 witnesses shall be admissible at the discretion of the trial judge. An expert's

1 testimony admitted under this Paragraph shall not offer an opinion as to whether a
2 witness's eyewitness identification is accurate.

3 Section 2. This Act shall become effective upon signature by the governor or, if not
4 signed by the governor, upon expiration of the time for bills to become law without signature
5 by the governor, as provided by Article III, Section 18 of the Constitution of Louisiana. If
6 vetoed by the governor and subsequently approved by the legislature, this Act shall become
7 effective on the day following such approval.

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)]

HB 226 Engrossed

2019 Regular Session

Jimmy Harris

Abstract: Provides relative to expert witnesses testifying on the issue of memory and eyewitness identification and the admissibility of such testimony.

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 shall not limit the parties in calling expert witnesses on testifying on the issue of memory and eyewitness identification. Further provides that such testimony is admissible at the discretion of the trial judge, and the expert shall not offer 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)

Summary of Amendments Adopted by House

The Committee Amendments Proposed by House Committee on Administration of Criminal Justice to the original bill:

1. Add to proposed law that an expert's testimony admitted under proposed law shall not offer an opinion as to whether a witness's eyewitness identification is accurate.