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## DIGEST

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HB 226 Reengrossed

2019 Regular Session

Jimmy Harris

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

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. Further provides that an expert's testimony 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.

The House Floor Amendments to the engrossed bill:

1. Provide that present law shall also govern expert witnesses on the issue of memory and eyewitness identification.
2. Remove provisions which require testimony by expert witnesses on the issue of memory and eyewitness identification to be admissible at the discretion of the trial judge.