

STATE OF OKLAHOMA

1st Session of the 48th Legislature (2001)

SENATE BILL 530

By: Pruitt

AS INTRODUCED

An Act relating to civil procedure; amending 12 O.S. 1991, Section 2702, which relates to testimony by experts; providing criteria the court shall consider in determining whether to allow opinion testimony; and providing an effective date.

BE IT ENACTED BY THE PEOPLE OF THE STATE OF OKLAHOMA:

SECTION 1. AMENDATORY 12 O.S. 1991, Section 2702, is amended to read as follows:

Section 2702. A. If scientific, technical or other specialized knowledge will assist the trier of fact to understand the evidence or to determine a fact in issue, a witness qualified as an expert by knowledge, skill, experience, training or education may testify in the form of an opinion or otherwise.

B. On and after November 1, 2001, in determining whether to allow opinion testimony, the court shall consider whether the opinion follows from or is based on the following:

1. A theory or methodology developed in accordance with the scientific method, including, where appropriate, publication in peer-reviewed literature, or such other systematic method of acquiring knowledge that is generally accepted in the relevant discipline to ensure reliability and validity;

2. The theory or methodology or the relevant techniques based on that theory or methodology and underlying the opinion have a sufficiently low error rate to ensure reliability, or the experimental results underlying the theory or methodology have been replicated by different laboratories and different researchers; and

3. The theory, methodology or opinion, as the case may be, is generally accepted in the relevant scientific, technical or other community.

C. The trier of fact will be allowed to consider an opinion for purposes of understanding the evidence or determining a fact in issue only if the court determines the following:

1. The relationship between the opinion and the supporting theory and experiments is sufficiently close and congruent so as not to render the opinion speculative; and

2. The opinion may be validly and reliably drawn from the theory.

SECTION 2. This act shall become effective November 1, 2001.

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