

1 STATE OF OKLAHOMA

2 1st Extraordinary Session of the 54th Legislature (2013)

3 SENATE BILL 6x

By: Bingman and Sykes of the  
Senate

4 and

5 Shannon of the House  
6

7  
8 AS INTRODUCED

9 An Act relating to expert testimony; repealing  
10 Section 18, Chapter 228, O.S.L. 2009; amending 12  
11 O.S. 2011, Section 2702, which relates to testimony  
12 by experts; removing certain requirements for expert  
13 testimony; amending 12 O.S. 2011, Section 2702, as  
14 amended by Section 2 of this act, which relates to  
15 testimony by experts; establishing requirements for  
16 expert testimony; repealing Section 19, Chapter 228,  
17 O.S.L. 2009; amending 12 O.S. 2703, which relates to  
18 bases of opinion testimony by experts; removing  
19 certain prohibition; amending 12 O.S. 2011, Section  
20 2703, as amended by Section 5 of this act, which  
21 relates to bases of opinion testimony by experts;  
22 prohibiting disclosure of certain information to  
23 jury; providing exception; and declaring an  
24 emergency.

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

SECTION 1. REPEALER Section 18, Chapter 228, O.S.L.  
2009, is hereby repealed.

SECTION 2. AMENDATORY 12 O.S. 2011, Section 2702, is  
amended to read as follows:

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

6 ~~1. The testimony is based upon sufficient facts or data;~~

7 ~~2. The testimony is the product of reliable principles and~~  
8 ~~methods; and~~

9 ~~3. The witness has applied the principles and methods reliably~~  
10 ~~to the facts of the case.~~

11 SECTION 3. AMENDATORY 12 O.S. 2011, Section 2702, as  
12 amended by Section 2 of this act, is amended to read as follows:

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

18 1. The testimony is based upon sufficient facts or data;

19 2. The testimony is the product of reliable principles and  
20 methods; and

21 3. The witness has applied the principles and methods reliably  
22 to the facts of the case.

23 SECTION 4. REPEALER Section 19, Chapter 228, O.S.L.  
24 2009, is hereby repealed.

1 SECTION 5. AMENDATORY 12 O.S. 2011, Section 2703, is  
2 amended to read as follows:

3 Section 2703. The facts or data in the particular case upon  
4 which an expert bases an opinion or inference may be those perceived  
5 by or made known to the expert at or before the hearing. If of a  
6 type reasonably relied upon by experts in the particular field in  
7 forming opinions or inferences upon the subject, the facts or data  
8 need not be admissible in evidence in order for the opinion or  
9 inference to be admitted. ~~Facts or data that are otherwise  
10 inadmissible shall not be disclosed to the jury by the proponent of  
11 the opinion or inference unless the court determines that their  
12 probative value in assisting the jury to evaluate the expert's  
13 opinion substantially outweighs their prejudicial effect.~~

14 SECTION 6. AMENDATORY 12 O.S. 2011, Section 2703, as  
15 amended by Section 5 of this act, is amended to read as follows:

16 Section 2703. The facts or data in the particular case upon  
17 which an expert bases an opinion or inference may be those perceived  
18 by or made known to the expert at or before the hearing. If of a  
19 type reasonably relied upon by experts in the particular field in  
20 forming opinions or inferences upon the subject, the facts or data  
21 need not be admissible in evidence in order for the opinion or  
22 inference to be admitted. Facts or data that are otherwise  
23 inadmissible shall not be disclosed to the jury by the proponent of  
24 the opinion or inference unless the court determines that their

1 probative value in assisting the jury to evaluate the expert's  
2 opinion substantially outweighs their prejudicial effect.

3 SECTION 7. It being immediately necessary for the preservation  
4 of the public peace, health and safety, an emergency is hereby  
5 declared to exist, by reason whereof this act shall take effect and  
6 be in full force from and after its passage and approval.

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