

1 HB239
2 127337-1
3 By Representative McMillan
4 RFD: Judiciary
5 First Read: 10-MAR-11

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8 SYNOPSIS: Under existing law, state courts follow a
9 U.S. Supreme Court decision from 1923 regarding the
10 admissibility of expert testimony.

11 This bill would apply the more recent
12 standard enunciated in the U.S. Supreme Court's
13 decision in the 1993 Daubert case for the
14 admissibility of expert evidence and testimony in
15 all civil and criminal court actions, except for
16 actions arising under and governed by the Medical
17 Liability Act of 1987, or any judicial
18 interpretations thereof.

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20 A BILL
21 TO BE ENTITLED
22 AN ACT

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24 Relating to civil and criminal proceedings; to
25 provide further for the admissibility of expert testimony.
26 BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

1 Section 1. In all civil and criminal actions, if
2 scientific, technical, or other specialized knowledge will
3 assist the trier of fact to understand the evidence or to
4 determine a fact in issue, a witness shall be competent to
5 testify as an expert by knowledge, skill, experience,
6 training, or education in the form of an opinion or otherwise,
7 only if all of the following apply:

8 (1) The testimony is based upon sufficient facts or
9 data.

10 (2) The testimony is the product of reliable
11 principles and methods.

12 (3) The witness has applied the principles and
13 methods reliably to the facts of the case.

14 Section 2. Nothing in this act shall modify, amend,
15 or supersede any provision of the Medical Liability Act of
16 1987, commencing with Section 6-5-540 of the Code of Alabama
17 1975, et seq., or any judicial interpretation thereof.

18 Section 3. This act shall apply to all state court
19 proceedings commenced after the effective date of this act
20 and, insofar as just and practicable, all proceedings then
21 pending upon the effective date of this act.

22 Section 4. This act shall become effective
23 immediately following its passage and approval by the
24 Governor, or its otherwise becoming law.