

ACT No. 115

2019 Regular Session

HOUSE BILL NO. 226

BY REPRESENTATIVE JIMMY HARRIS

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. This Article shall also govern expert witnesses on the issue of memory and
19 eyewitness identification. In a criminal case, if a party seeks to offer the testimony
20 of a memory and eyewitness identification expert under this Article, such expert
21 testimony may be considered for admission only if all provisions of Subparagraph

1 A of this Article are satisfied. A memory and eyewitness identification expert's
 2 testimony may not be admitted under this Article if there is physical or scientific
 3 evidence that corroborates the eyewitness identification of the defendant. An
 4 expert's testimony admitted under this Paragraph shall not offer an opinion as to
 5 whether a witness's memory or eyewitness identification is accurate.

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

SPEAKER OF THE HOUSE OF REPRESENTATIVES

PRESIDENT OF THE SENATE

GOVERNOR OF THE STATE OF LOUISIANA

APPROVED: _____