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LEGISLATIVE ACTION

Senate

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House

The Committee on Budget (Simmons) recommended the following:

Senate Amendment

Delete lines 23 - 43

and insert:

90.702 Testimony by experts.-

(1) Subject to the limitations in subsection (2), 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 thereto in the form of an opinion or otherwise.

(2) Scientific, technical, or other specialized knowledge may serve as the basis for expert testimony if the scientific,



138732

14 technical, or other principles or methods underlying the
15 testimony meet a threshold showing that they:
16 (a) are reliable;
17 (b) are based upon sufficient facts or data; and
18 (c) have been reliably applied to the facts of the case.
19 (3) The threshold showing required by subsection (2) is
20 satisfied if the principles or methods on which such knowledge
21 is based, including the sufficiency of facts or data and the
22 manner of their application to the facts of the case, are
23 generally accepted by the relevant expert community.
24 ~~If scientific, technical, or other specialized knowledge~~
25 ~~will assist the trier of fact in understanding the evidence or~~
26 ~~in determining a fact in issue, a witness qualified as an expert~~
27 ~~by knowledge, skill, experience, training, or education may~~
28 ~~testify about it in the form of an opinion; however, the opinion~~
29 ~~is admissible only if it can be applied to evidence at trial.~~
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