

1 SB187  
2 129493-5  
3 By Senators Brooks and Ward  
4 RFD: Judiciary  
5 First Read: 09-MAR-11

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4 ENGROSSED

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7 A BILL  
8 TO BE ENTITLED  
9 AN ACT

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11 To amend Section 12-21-160 of the Code of Alabama  
12 1975, relating to expert witness opinions in civil and  
13 criminal proceedings; to provide further for the admissibility  
14 of expert witness opinions.

15 BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

16 Section 1. Section 12-21-160 of the Code of Alabama  
17 1975, is amended to read as follows:

18 "§12-21-160.

19 ~~"The opinions of experts on any question of science,~~  
20 ~~skill, trade or like questions are always admissible, and such~~  
21 ~~opinions may be given on the facts as proved by other~~  
22 ~~witnesses.~~

23 "(a) Generally. If scientific, technical, or other  
24 specialized knowledge will assist the trier of fact to  
25 understand the evidence or to determine a fact in issue, a  
26 witness qualified as an expert by knowledge, skill,

1 experience, training, or education, may testify thereto in the  
2 form of an opinion or otherwise.

3 "(b) Scientific evidence. In addition to  
4 requirements set forth in subsection (a), expert testimony  
5 based on a scientific theory, principle, methodology, or  
6 procedure is only admissible if:

7 "(1) The testimony is based on sufficient facts or  
8 data,

9 "(2) The testimony is the product of reliable  
10 principles and methods, and

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

13 Section 2. Nothing in this act shall modify, amend,  
14 or supersede any provisions of the Medical Liability Act of  
15 1987 and the Alabama Medical Liability Act of 1996, commencing  
16 with Section 6-5-540 of the Code of Alabama 1975, et seq., or  
17 any judicial interpretation thereof.

18 Section 3. This act shall apply to all civil state  
19 court actions commenced on or after the effective date of this  
20 act. This act shall apply to criminal proceedings in which the  
21 defendant that is the subject of the proceeding was arrested  
22 on the charge that is the subject of the proceeding on or  
23 after January 1, 2012.

24 Section 4. The provisions of this act, where  
25 inconsistent with any Alabama Rule of Civil Procedure, Alabama  
26 Rule of Criminal Procedure or Alabama Rule of Evidence,

1 including, but not limited to, Ala. R. Evid. 702, shall  
2 supersede such rule or parts of rules.

3 Section 5. This act shall become effective on  
4 January 1, 2012.

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Senate

Read for the first time and referred to the Senate  
committee on Judiciary..... 09-MAR-11

Read for the second time and placed on the calen-  
dar..... 06-APR-11

Read for the third time and passed as amended .... 19-APR-11

Yeas 32  
Nays 1

Patrick Harris  
Secretary