

1 SB187
2 129493-6
3 By Senators Brooks and Ward
4 RFD: Judiciary
5 First Read: 09-MAR-11

1 SB187

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4 ENROLLED, An Act,

5 To amend Section 12-21-160 of the Code of Alabama
6 1975, relating to expert witness opinions in civil and
7 criminal proceedings; to provide further for the admissibility
8 of expert witness opinions.

9 BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

10 Section 1. Section 12-21-160 of the Code of Alabama
11 1975, is amended to read as follows:

12 "§12-21-160.

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

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

23 "(1) The testimony is based on sufficient facts or
24 data,

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

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

5 Section 2. Nothing in this act shall modify, amend,
6 or supersede any provisions of the Medical Liability Act of
7 1987 and the Alabama Medical Liability Act of 1996, commencing
8 with Section 6-5-540 of the Code of Alabama 1975, et seq., or
9 any judicial interpretation thereof.

10 Section 3. This act shall apply to all civil state
11 court actions commenced on or after the effective date of this
12 act. In criminal actions, this act shall only apply to
13 non-juvenile felony proceedings in which the defendant that is
14 the subject of the proceeding was arrested on the charge that
15 is the subject of the proceeding on or after January 1, 2012.
16 This act shall not apply to domestic relations, child support,
17 juvenile, or probate cases.

18 Section 4. The provisions of this act, where
19 inconsistent with any Alabama Rule of Civil Procedure, Alabama
20 Rule of Criminal Procedure or Alabama Rule of Evidence,
21 including, but not limited to, Ala. R. Evid. 702, shall
22 supersede such rule or parts of rules.

23 Section 5. This act shall become effective on
24 January 1, 2012.

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President and Presiding Officer of the Senate

Speaker of the House of Representatives

SB187

Senate 19-APR-11

I hereby certify that the within Act originated in and passed the Senate, as amended.

Patrick Harris
Secretary

House of Representatives
Amended and passed 31-MAY-11

Senate concurred in House amendment 01-JUN-11

By: Senator Brooks