

First Regular Session
Seventieth General Assembly
STATE OF COLORADO

INTRODUCED

LLS NO. 15-0604.02 Jerry Barry x4341

HOUSE BILL 15-1216

HOUSE SPONSORSHIP

Priola,

SENATE SPONSORSHIP

Cooke,

House Committees
Judiciary

Senate Committees

A BILL FOR AN ACT

101 CONCERNING THE ADMISSIBILITY OF EXPERT OPINIONS.

Bill Summary

(Note: This summary applies to this bill as introduced and does not reflect any amendments that may be subsequently adopted. If this bill passes third reading in the house of introduction, a bill summary that applies to the reengrossed version of this bill will be available at <http://www.leg.state.co.us/billsummaries>.)

The bill prohibits a person from testifying concerning the person's expert opinion unless certain conditions are met.

1 *Be it enacted by the General Assembly of the State of Colorado:*

2 **SECTION 1. Legislative declaration.** (1) The general assembly

Shading denotes HOUSE amendment. Double underlining denotes SENATE amendment.
Capital letters indicate new material to be added to existing statute.
Dashes through the words indicate deletions from existing statute.

1 finds and declares:

2 (a) The number and complexity of cases filed in Colorado courts
3 is increasing, and many of the most complex cases are being heard by
4 juries and require expert witnesses to render opinions and testimony on
5 complex scientific theories and data; and

6 (b) It is therefore necessary that expert witnesses express opinions
7 based upon scientific theories that are subject to testing rather than
8 unproven, speculative theories.

9 **SECTION 2.** In Colorado Revised Statutes, **add** 13-25-138 as
10 follows:

11 **13-25-138. Testimony by expert witnesses.** (1) A WITNESS
12 SHALL NOT TESTIFY IN THE FORM OF AN EXPERT OPINION OR OTHERWISE
13 UNLESS:

14 (a) THE WITNESS'S EXPERT SCIENTIFIC, TECHNICAL, OR OTHER
15 SPECIALIZED KNOWLEDGE WILL HELP THE TRIER OF FACT TO UNDERSTAND
16 THE EVIDENCE OR TO DETERMINE A FACT IN ISSUE;

17 (b) THE TESTIMONY IS BASED ON SUFFICIENT FACTS OR DATA;

18 (c) THE TESTIMONY IS THE PRODUCT OF RELIABLE PRINCIPLES AND
19 METHODS; AND

20 (d) THE WITNESS HAS RELIABLY APPLIED THE PRINCIPLES AND
21 METHODS TO THE FACTS OF THE CASE.

22 **SECTION 3. Act subject to petition - effective date -**
23 **applicability.** (1) This act takes effect September 1, 2015; except that,
24 if a referendum petition is filed pursuant to section 1 (3) of article V of
25 the state constitution against this act or an item, section, or part of this act
26 within the ninety-day period after final adjournment of the general
27 assembly, then the act, item, section, or part will not take effect unless

1 approved by the people at the general election to be held in November
2 2016 and, in such case, will take effect on the date of the official
3 declaration of the vote thereon by the governor.

4 (2) This act applies to court proceedings held on or after the
5 applicable effective date of this act.