

2010 -- S 2157

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STATE OF RHODE ISLAND

IN GENERAL ASSEMBLY

JANUARY SESSION, A.D. 2010

A N A C T

RELATING TO COURTS AND CIVIL PROCEDURE -- SCIENTIFIC AND TECHNICAL
EVIDENCE

Introduced By: Senators Blais, Maselli, DeVall, and Maher

Date Introduced: February 04, 2010

Referred To: Senate Judiciary

It is enacted by the General Assembly as follows:

1 SECTION 1. Title 9 of the General Laws entitled "COURTS AND CIVIL PROCEDURE
2 -- PROCEDURE GENERALLY" is hereby amended by adding thereto the following chapter:

3 CHAPTER 19.2

4 SCIENTIFIC AND TECHNICAL EVIDENCE ACT

5 **9-19.2-1. Short title.** – This act shall be known and may be cited as the "Scientific and
6 Technical Evidence Act."

7 **9-19.2-2. Admissibility of expert opinion testimony.** – (a) Expert testimony in the form
8 of an opinion concerning a scientific, technical, or other specialized matter may be admitted, but
9 only if the court determines that the opinion:

10 (1) Is based on scientific knowledge, where the opinion purports to be scientific,
11 including medical, or technical or specialized knowledge, where the opinion purports to involve
12 knowledge from other technical or specialized disciplines;

13 (2) Will assist the trier of fact to understand the evidence or to determine a fact in issue;
14 and

15 (3) Is presented by a witness who is qualified as an expert.

16 (b) In determining whether an opinion is based on scientific, technical or other
17 specialized knowledge, and hence sufficiently reliable to warrant its admission, the court shall
18 consider among other factors, whether the opinion follows from or is based on:

1 (1) A theory or methodology developed in accordance with the scientific method,
2 including, where appropriate, publication in the peer-reviewed literature, or such other systematic
3 method of acquiring knowledge that is generally accepted in the relevant discipline to ensure
4 reliability and validity;

5 (2) The theory or methodology or the relevant techniques based on that theory or
6 methodology and underlying the opinion have a sufficiently low error rate to ensure reliability, or
7 the experimental results underlying the theory or methodology have been replicated by different
8 laboratories and different researchers; and

9 (3) The theory, methodology or opinion, as the case may be, is generally accepted in the
10 relevant scientific, technical or other community.

11 (c) An opinion will assist the trier of fact to understand the evidence or to determine a
12 fact in issue, if and only if the court determines that:

13 (1) The relationship between the opinion and the supporting theory and experiments is
14 sufficiently close and congruent so as not to render the opinion speculative; and

15 (2) The opinion may be validly and reliably drawn from the theory.

16 (d) A witness with knowledge, skill, experience, training, or education in a particular
17 field may testify as an expert with respect to that particular field.

18 (e) Notwithstanding the above, the testimony of an expert witness may not be admitted if
19 the witness is entitled to receive any compensation contingent on the outcome of any claim or
20 case with respect to which the testimony is being offered.

21 SECTION 2. This act shall take effect upon passage and shall apply to all trials
22 commencing on or after the effective date.

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EXPLANATION
BY THE LEGISLATIVE COUNCIL
OF
A N A C T
RELATING TO COURTS AND CIVIL PROCEDURE – SCIENTIFIC AND TECHNICAL
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1 This act would establish guidelines for the admissibility of scientific and technical
2 evidence.

3 This act would take effect upon passage and would apply to all trials commencing on or
4 after the effective date.

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