

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1997

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SENATE BILL 1061

Short Title: Honesty In Evidence.

(Public)

Sponsors: Senator Ballantine.

Referred to: Judiciary.

April 21, 1997

A BILL TO BE ENTITLED

AN ACT TO REQUIRE THAT AN ADEQUATE BASIS EXIST FOR OPINION EVIDENCE.

The General Assembly of North Carolina enacts:

Section 1. Chapter 8C of the General Statutes, the North Carolina Rules of Evidence, is amended by adding a new section to read:

Rule 707. Honesty in evidence.

(a) Adequate Basis for Opinion. –

(1) Testimony in the form of an opinion by a witness that is based on scientific, technical, or medical knowledge shall be inadmissible in evidence unless the court determines that:

a. The opinion is based on scientifically valid reasoning;

b. The opinion is sufficiently reliable so that the probative value of such evidence outweighs its prejudicial effect; or

c. The techniques, methods, and theories used to formulate the opinion are generally accepted within the relevant scientific, medical, or technical field.

(2) In determining whether an opinion satisfies the conditions of subdivision (a)(1) of this subsection, the court shall consider:

- 1 a. Whether an opinion and any theory on which it is based have
2 been experimentally tested;
3 b. Whether the opinion has been published in peer-review literature;
4 and
5 c. Whether the theory or techniques supporting the opinion are
6 sufficiently reliable and valid to warrant their use as support for
7 the proffered opinion.

8 (b) Expertise in the Field. – Testimony in the form of an opinion by a witness that
9 is based on scientific, technical, or medical knowledge shall be inadmissible in evidence
10 unless the witness's knowledge, skill, experience, training, education, or other expertise
11 lies in the particular field about which the witness is testifying.

12 (c) Disqualification. – Testimony by a witness who is qualified as described in
13 subsection (a) of this section is inadmissible in evidence if the witness is entitled to
14 receive any compensation contingent on the legal disposition of any claim with respect to
15 which such testimony is offered."

16 Section 2. This act becomes effective October 1, 1997, and applies to trials
17 begun on or after that date.