

1 \_\_\_\_\_ BILL NO. \_\_\_\_\_

2 INTRODUCED BY \_\_\_\_\_  
3 (Primary Sponsor)

4 A BILL FOR AN ACT ENTITLED: "AN ACT PROVIDING THAT THE COURT MUST CONSIDER CERTAIN  
5 FACTORS WHEN ALLOWING AN EXPERT WITNESS TO TESTIFY."

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7 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

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9 NEW SECTION. **Section 1. Expert witness testimony.** Before an expert witness may testify under  
10 Rule 702 of the Montana Rules of Evidence, the court shall determine the following factors:

11 (1) if the expert's scientific, technical, or other specialized knowledge will help the trier of fact to  
12 understand the evidence or to determine a fact in issue;

13 (2) if the testimony is based on sufficient facts or data;

14 (3) if the testimony is the product of reliable principles and methods; and

15 (4) if the expert's opinion reflects a reliable application of the principles and methods to the facts of  
16 the case.

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18 NEW SECTION. **Section 2. Codification instruction.** [Section 1] is intended to be codified as an  
19 integral part of Title 26, chapter 1, part 1, and the provisions of Title 26, chapter 1, part 1, apply to [section 1].

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