

House Bill 478 (AS PASSED HOUSE AND SENATE)

By: Representatives Rich of the 97th, Burchett of the 176th, Holcomb of the 81st, Ballinger of the 23rd, Gravley of the 67th, and others

A BILL TO BE ENTITLED
AN ACT

1 To amend Chapter 7 of Title 24 of the Official Code of Georgia Annotated, relating to
2 opinions and expert testimony, so as to change the rules of evidence regarding expert
3 testimony in criminal cases; to provide for related matters; to provide for an effective date
4 and applicability; to repeal conflicting laws; and for other purposes.

5 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

6 style="text-align:center">**SECTION 1.**

7 Chapter 7 of Title 24 of the Official Code of Georgia Annotated, relating to opinions and
8 expert testimony, is amended by revising subsections (a), (b), (d), (e), and (f) of Code Section
9 24-7-702, relating to expert opinion testimony in civil actions, medical experts, pretrial
10 hearings, and precedential value of federal law, as follows:

11 "(a) Except as provided in Code Section 22-1-14 and in subsection (g) of this Code section,
12 the provisions of this Code section shall apply in all ~~civil~~ proceedings. The opinion of a
13 witness qualified as an expert under this Code section may be given on the facts as proved
14 by other witnesses.

15 (b) ~~If scientific, technical, or other specialized knowledge will assist the trier of fact to~~
16 ~~understand the evidence or to determine a fact in issue, a~~ A witness who is qualified as an

17 expert by knowledge, skill, experience, training, or education may testify ~~thereto~~ in the
18 form of an opinion or otherwise, if:

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

21 (2) The testimony is based upon sufficient facts or data;

22 ~~(2)~~(3) The testimony is the product of reliable principles and methods; and

23 ~~(3)~~(4) The ~~witness~~ expert has reliably applied the principles and methods ~~reliably~~ to the
24 facts of the case ~~which have been or will be admitted into evidence before the trier of~~
25 ~~fact.~~"

26 "(d) Upon motion of a party, the court may hold a pretrial hearing to determine whether
27 the witness qualifies as an expert and whether the expert's testimony satisfies the
28 requirements of subsections (a) and (b) of this Code section. ~~Such~~ In all civil proceedings,
29 a hearing and any ruling shall be completed no later than the final pretrial conference
30 contemplated under Code Section 9-11-16.

31 (e) ~~An~~ In all civil proceedings, an affiant shall meet the requirements of this Code section
32 in order to be deemed qualified to testify as an expert by means of the affidavit required
33 under Code Section 9-11-9.1.

34 (f) It is the intent of the legislature that, in all ~~civil~~ proceedings, the courts of the State of
35 Georgia not be viewed as open to expert evidence that would not be admissible in other
36 states. Therefore, in interpreting and applying this Code section, the courts of this state
37 may draw from the opinions of the United States Supreme Court in Daubert v. Merrell
38 Dow Pharmaceuticals, Inc., 509 U.S. 579 (1993); General Electric Co. v. Joiner, 522 U.S.
39 136 (1997); Kumho Tire Co. Ltd. v. Carmichael, 526 U.S. 137 (1999); and other cases in
40 federal courts applying the standards announced by the United States Supreme Court in
41 these cases."

42 **SECTION 2.**

43 Said chapter is further amended by repealing Code Section 24-7-707, relating to expert
44 opinion testimony in criminal proceedings, in its entirety.

45 **SECTION 3.**

46 This Act shall become effective on July 1, 2022, and shall apply to any motion made or
47 hearing or trial commenced on or after that date.

48 **SECTION 4.**

49 All laws and parts of laws in conflict with this Act are repealed.