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**THE GENERAL ASSEMBLY OF PENNSYLVANIA**

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**HOUSE BILL****No. 1685** Session of 2003

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INTRODUCED BY LEWIS, BARRAR, CAPPELLI, CREIGHTON AND ROSS,  
JUNE 23, 2003

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REFERRED TO COMMITTEE ON JUDICIARY, JUNE 23, 2003

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**AN ACT**

1 Amending Title 42 (Judiciary and Judicial Procedure) of the  
2 Pennsylvania Consolidated Statutes, providing for  
3 admissibility of expert opinion testimony.

4 The General Assembly of the Commonwealth of Pennsylvania  
5 hereby enacts as follows:

6 Section 1. Title 42 of the Pennsylvania Consolidated  
7 Statutes is amended by adding a section to read:

8 § 6145. Admissibility of expert opinion testimony.

9 (a) General rule.--Testimony in the form of an opinion  
10 concerning a scientific, technical or other specialized matter  
11 may be admitted, but only if the court determines that the  
12 opinion:

13 (1) Is based on scientific knowledge, where the opinion  
14 purports to the scientific, or on technical or specialized  
15 knowledge, where the opinion purports to involve knowledge  
16 from other technical or specialized disciplines.

17 (2) Will assist the trier of fact to understand the  
18 evidence or to determine a fact in issue.

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

3 (b) Scientific, technical or other specialized knowledge.--  
4 In determining whether an opinion is based on scientific,  
5 technical or other specialized knowledge and is sufficiently  
6 reliable to warrant its admission, the court shall consider,  
7 among other factors, whether the opinion follows from or is  
8 based on:

9 (1) A theory or methodology developed in accordance with  
10 the scientific method, including, where appropriate,  
11 publication in the peer-reviewed literature or such other  
12 systematic method of acquiring knowledge that is generally  
13 accepted in the relevant discipline to ensure reliability and  
14 validity.

15 (2) The theory or methodology or the relevant techniques  
16 based on the theory or methodology and underlying the opinion  
17 have a sufficiently low error rate to ensure reliability or  
18 the experimental results underlying the theory or methodology  
19 have been replicated by different laboratories and different  
20 researchers.

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

24 (c) Assisting trier of fact.--An opinion shall assist the  
25 trier of fact to understand evidence or to determine a fact in  
26 issue, if and only if the court determines the following:

27 (1) The relationship between the opinion and the  
28 supporting theory and experiments is sufficiently close and  
29 congruent so as not to render the opinion speculative.

30 (2) The opinion may be validly and reliably drawn from

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1 the theory.

2 (d) Scope of expert witness testimony.--

3 (1) A witness with knowledge, skill, experience,  
4 training or education in a particular field may testify as an  
5 expert with respect to that particular field.

6 (2) Notwithstanding paragraph (1), the testimony of an  
7 expert witness may not be admitted if the witness is entitled  
8 to receive any compensation contingent on the outcome of any  
9 claim or case with respect to which the testimony is being  
10 offered.

11 Section 2. In interpreting this act, the courts of this  
12 Commonwealth shall be guided by the opinions of the Supreme  
13 Court in *Daubert v. Merrell Dow Pharmaceuticals, Inc.*, 509 U.S.  
14 579 (1993), *General Electric v. Joiner*, 522 U.S. 136 (1997), and  
15 *Kumho Tire Co. Ltd. v. Carmichael*, 526 U.S. 137 (1999).

16 Section 3. This act shall apply to any trial commencing on  
17 or after the effective date of this act.

18 Section 4. This act shall take effect in 60 days.

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