

ONE HUNDRED NINTH LEGISLATURE

SECOND SESSION

LEGISLATIVE RESOLUTION 371

Introduced by Cavanaugh, J., 9.

PURPOSE: The purpose of this resolution is to propose an interim study to determine whether Nebraska should amend the rules of evidence to mirror federal changes to the admissibility of expert testimony.

Nebraska, like most states, has modeled its rules of evidence after the Federal Rules of Evidence. Federal Rule of Evidence 702 governs the admissibility of expert testimony, requiring that a witness who is qualified as an expert by knowledge, skill, experience, training, or education may testify if their scientific or technical knowledge helps the trier of fact.

On December 1, 2023, an amendment to Federal Rule of Evidence 702 went into effect for the federal courts. The amendment clarifies that when it comes to the admissibility of expert testimony, that the proponent must prove, by a preponderance of evidence, that the testimony is based on sufficient facts and reliable methods and that the opinion of the expert reflects a reliable application of the principles and methods to the facts of the case.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE ONE HUNDRED NINTH LEGISLATURE OF NEBRASKA, SECOND SESSION:

1. That the Judiciary Committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.

2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.