

House Bill 478

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), (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 "(d) Upon motion of a party, the court may hold a pretrial hearing to determine whether
16 the witness qualifies as an expert and whether the expert's testimony satisfies the

17 requirements of subsections (a) and (b) of this Code section. ~~Such~~ In all civil proceedings,
18 a hearing and any ruling shall be completed no later than the final pretrial conference
19 contemplated under Code Section 9-11-16.

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

23 (f) It is the intent of the legislature that, in all ~~civil~~ proceedings, the courts of the State of
24 Georgia not be viewed as open to expert evidence that would not be admissible in other
25 states. Therefore, in interpreting and applying this Code section, the courts of this state
26 may draw from the opinions of the United States Supreme Court in Daubert v. Merrell
27 Dow Pharmaceuticals, Inc., 509 U.S. 579 (1993); General Electric Co. v. Joiner, 522 U.S.
28 136 (1997); Kumho Tire Co. Ltd. v. Carmichael, 526 U.S. 137 (1999); and other cases in
29 federal courts applying the standards announced by the United States Supreme Court in
30 these cases."

31 **SECTION 2.**

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

34 **SECTION 3.**

35 This Act shall become effective on July 1, 2021, and shall apply to any motion made or
36 hearing or trial commenced on or after that date.

37 **SECTION 4.**

38 All laws and parts of laws in conflict with this Act are repealed.