

2011 Jr1 DRAFTING REQUEST

Senate Amendment (SA-SB1)

Received: 01/18/2011

Received By: phurley

Wanted: As time permits

Companion to LRB:

For: Mark Miller (608) 266-9170

By/Representing: John Anderson

May Contact:

Drafter: phurley

Subject: Courts - miscellaneous
Courts - evidence

Addl. Drafters:

Extra Copies:

Submit via email: YES

Requester's email: Sen.Miller@legis.wisconsin.gov

Carbon copy (CC:) to:

Pre Topic:

No specific pre topic given

Topic:

Expert witness rules do not apply to certain proceedings

Instructions:

Daubert does not apply to 980, family, or restraining order proceedings

Drafting History:

<u>Vers.</u>	<u>Drafted</u>	<u>Reviewed</u>	<u>Typed</u>	<u>Proofed</u>	<u>Submitted</u>	<u>Jacketed</u>	<u>Required</u>
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FE Sent For:

<END>

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/?	phurley	1/18 jld	1/18 ph	1/18 ph/m			

FE Sent For:

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State of Wisconsin
2011 - 2012 LEGISLATURE

January 2011 Special Session



LRBa00741
PJH:nwr:ph

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SENATE
ASSEMBLY AMENDMENT,
TO ASSEMBLY BILL 1

SENATE

NOW

1 At the locations indicated, amend the bill as follows:

2 1. Page 28, line 5: after "907.02 (1)" insert "or 907.025 (1)".

3 2. Page 28, line 5: after that line insert:

4 "SECTION 34g. 907.02 (title) of the statutes is amended to read:

5 907.02 (title) **Testimony by experts; civil actions.**"

6 3. Page 28, line 6: delete lines 6 to 17 and substitute:

7 "SECTION 34m. 907.02 of the statutes is renumbered 907.02 (1) and amended
8 to read:

9 907.02 (1) If In a civil action if scientific, technical, or other specialized
10 knowledge will assist the trier of fact to understand the evidence or to determine a
11 fact in issue, a witness qualified as an expert by knowledge, skill, experience,
12 training, or education, may testify thereto in the form of an opinion or otherwise, if
13 the testimony is based upon sufficient facts or data, the testimony is the product of

Except as provided in s. 907.025(1)

1 reliable principles and methods, and the witness has applied the principles and
2 methods reliably to the facts of the case.”.

3 4. Page 28, line 22: after that line insert:

4 “SECTION 37m. 907.025 of the statutes is created to read:

5 907.025 Testimony by experts; criminal and civil forfeiture actions. (1)

6 In a criminal or civil forfeiture action, if scientific, technical, or other specialized
7 knowledge will assist the trier of fact to understand the evidence or to determine a
8 fact in issue, a witness qualified as an expert by knowledge, skill, experience,
9 training, or education, may testify thereto in the form of an opinion or otherwise.

10 (2) Notwithstanding sub. (1), the testimony of an expert witness may not be
11 admitted if the expert witness is entitled to receive any compensation contingent on
12 the outcome of any claim or case with respect to which the testimony is being
13 offered.”.

14 5. Page 30, line 25: delete “and 907.02 (1) (a), (b), and (c) and (2)” and
15 substitute “907.02 (2), and 907.025”. ✓

16 (END)

NO an action under chs. 765 to 769, 813, or 980g

8
certain