

7245

I N S E N A T E

May 7, 2014

Introduced by Sen. BONACIC -- (at request of the Office of Court Administration) -- read twice and ordered printed, and when printed to be committed to the Committee on Judiciary

AN ACT to amend the civil practice law and rules, in relation to the admissibility of certain expert testimony

THE PEOPLE OF THE STATE OF NEW YORK, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

1 Section 1. The civil practice law and rules is amended by adding a new
2 section 4549 to read as follows:
3 S 4549. ADMISSIBILITY OF CERTAIN EXPERT TESTIMONY. EXPERT OPINION THAT
4 IS OTHERWISE ADMISSIBLE IN EVIDENCE SHALL NOT BE RENDERED INADMISSIBLE
5 BY VIRTUE OF THE EXPERT'S RELIANCE ON A REPORT OR OTHER DATA WHICH IS
6 NOT ITSELF IN EVIDENCE IF THAT REPORT OR DATA IS OF A KIND ROUTINELY
7 ACCEPTED IN THE PROFESSION AS RELIABLE IN FORMING A PROFESSIONAL OPIN-
8 ION. THE RULE SET FORTH IN THIS SECTION SHALL APPLY IRRESPECTIVE OF
9 WHETHER THE AUTHOR OR SOURCE OF THE PREDICATE REPORT OR DATA IS IN COURT
10 OR AVAILABLE FOR CROSS-EXAMINATION. THE RULE SET FORTH IN THIS SECTION
11 SHALL NOT APPLY TO A PREDICATE REPORT OR OPINION PREPARED FOR PURPOSES
12 OF LITIGATION. THIS SECTION DOES NOT RENDER INADMISSIBLE ANY EVIDENCE
13 THAT IS OTHERWISE ADMISSIBLE BY STATUTE OR COMMON LAW.
14 S 2. This act shall take effect immediately and shall apply to all
15 actions pending on or after such effective date.

EXPLANATION--Matter in ITALICS (underscored) is new; matter in brackets
[] is old law to be omitted.

LBD14223-02-4