

*Colorado Legislative Council Staff Fiscal Note*

**STATE and LOCAL  
FISCAL IMPACT**

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<b>Drafting Number:</b> LLS 15-0604	<b>Date:</b> February 17, 2015
<b>Prime Sponsor(s):</b> Rep. Priola Sen. Cooke	<b>Bill Status:</b> House Judiciary
	<b>Fiscal Analyst:</b> Alex Schatz (303-866-4375)

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**BILL TOPIC:** BASIS FOR EXPERT OPINION TESTIMONY

<b>Fiscal Impact Summary*</b>	<b>FY 2015-2016</b>	<b>FY 2016-2017</b>
<b>State Revenue</b>		
<b>State Expenditures</b>	Minimal workload increase.	
<b>FTE Position Change</b>		
<b>Appropriation Required:</b> None.		

\* This summary shows changes from current law under the bill for each fiscal year.

**Summary of Legislation**

This bill restricts the use of expert testimony in Colorado courts. For an expert to testify in a case, his or her testimony must assist in the examination of disputed facts, and must be based on the application of sufficient factual background and reliable methods.

**Background**

The admission of expert testimony in Colorado courts is currently controlled by the Colorado Rules of Evidence (CRE), adopted by the Colorado Supreme Court. For example, expert testimony that will assist in the examination of a disputed fact is permitted by CRE 702. Based on current rules for the use of expert testimony, state trial courts regularly conduct hearings on the reliability of expert opinions. Expert testimony may also be offered in the proceedings of administrative and municipal courts.

**State Expenditures**

Overall, the bill is expected to result in a minimal increase in the amount of court time spent on the admissibility of expert testimony. Placing additional constraints on the admission of expert testimony will affect proceedings in state trial courts, as well as proceedings in most administrative courts. A party that is adverse to the testimony of a given expert may contest admissibility under the bill's provisions, leading to a longer hearing. The bill may also prompt a party that would otherwise offer expert testimony to withdraw or curtail such testimony. Thus, the net increase in workload under the bill is minimal and will not require any change in appropriations to the Judicial Department or the Departments of Personnel and Administration, Revenue, Labor and Employment, or any other state agency that conducts administrative hearings.

**Local Government Impact**

Similar to state trial courts and administrative courts, the bill has a minimal impact on the workload of the Denver County Court and municipal courts that rule on the admissibility of expert testimony. In some cases, the bill results in longer hearings on admissibility, and in other cases the bill discourages the use of expert testimony. The number of municipal trials in which the admissibility of expert testimony is an issue is relatively small, and the overall effect of the bill on municipal expenditures is minimal.

**Effective Date**

The bill takes effect September 1, 2015, if the General Assembly adjourns on May 6, 2015, as scheduled, and no referendum petition is filed. The bill applies to court proceedings held on or after the effective date.

**State and Local Government Contacts**

Judicial Department  
Law

Personnel and Administration  
District Attorneys