

STATE OF OKLAHOMA

1st Session of the 60th Legislature (2025)

HOUSE BILL 2016

By: Pae

AS INTRODUCED

An Act relating to evidence; amending 12 O.S. 2021, Section 2702, which relates to testimony by experts; providing for artificial intelligence expert testimony; amending 12 O.S. 2021, Section 2806, which relates to hearsay; providing for attacking and supporting creditability of artificial intelligence expert testimony; and providing an effective date.

BE IT ENACTED BY THE PEOPLE OF THE STATE OF OKLAHOMA:

SECTION 1. AMENDATORY 12 O.S. 2021, Section 2702, is amended to read as follows:

Section 2702. A. If scientific, technical or other specialized knowledge will assist the trier of fact to understand the evidence or to determine a fact in issue, a witness qualified as an expert by knowledge, skill, experience, training, or education may testify in the form of an opinion or otherwise, if:

1. The testimony is based upon sufficient facts or data;
2. The testimony is the product of reliable principles and methods; and

1           3. The witness has applied the principles and methods reliably  
2 to the facts of the case.

3           B. Where the output of a process or system would be subject to  
4 subsection A of this section, if testified to by a human witness,  
5 the proponent must demonstrate to the court that it is more likely  
6 than not that:

7           1. The output will help the trier of fact to understand the  
8 evidence or to determine a fact in issue;

9           2. The output is based on sufficient and pertinent inputs and  
10 data, and the opponent has reasonable access to those inputs and  
11 data;

12           3. The output is the product of reliable principles and  
13 methods; and

14           4. The output reflects a reliable application of the principles  
15 and methods to the facts of the case, based on the process's or  
16 system's demonstrated reliability under circumstances or conditions  
17 substantially similar to those in the case.

18           SECTION 2.           AMENDATORY           12 O.S. 2021, Section 2806, is  
19 amended to read as follows:

20           Section 2806. A. When a hearsay statement, or a statement  
21 defined in subparagraph b, c, d or e of paragraph 2 of subsection B  
22 of Section 2801 of this title, has been admitted in evidence, the  
23 credibility of the declarant may be attacked and, if attacked, may  
24 be supported by any evidence which would be admissible for those

1 purposes if declarant had testified as a witness. Evidence of a  
2 statement or conduct by the declarant at any time, inconsistent with  
3 the declarant's hearsay statement, is not subject to any requirement  
4 that the declarant may have been afforded an opportunity to deny or  
5 explain. If the party against whom a hearsay statement has been  
6 admitted calls the declarant as a witness, the party is entitled to  
7 examine the declarant on the statement as if under cross-  
8 examination.

9 B. When output of a process or system has been admitted in  
10 evidence, and would be a hearsay statement if uttered by a human  
11 declarant, the output's accuracy may be attacked, and, if attacked,  
12 may be supported by any evidence which would be admissible for those  
13 purposes if the output had been uttered by a human declarant. The  
14 court may admit evidence of the process's or system's inconsistent  
15 output, or prior false output where probative of the admitted  
16 output's accuracy, for these purposes as well.

17 SECTION 3. This act shall become effective November 1, 2025.

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