

1 VIRGINIA ACTS OF ASSEMBLY — CHAPTER

2 *An Act to amend and reenact § 8.01-401.1 of the Code of Virginia, relating to expert witnesses;*
3 *literature designations.*

4 [S 983]

5 Approved

6 **Be it enacted by the General Assembly of Virginia:**7 **1. That § 8.01-401.1 of the Code of Virginia is amended and reenacted as follows:**

8 **§ 8.01-401.1. Opinion testimony by experts; hearsay exception (subsection (a) of Supreme Court**
9 **Rule 2:703, subsection (a) of Supreme Court Rule 2:705, and subsection (a) of Supreme Court**
10 **Rule 2:706 derived from this section).**

11 In any civil action any expert witness may give testimony and render an opinion or draw inferences
12 from facts, circumstances or data made known to or perceived by such witness at or before the hearing
13 or trial during which he is called upon to testify. The facts, circumstances or data relied upon by such
14 witness in forming an opinion or drawing inferences, if of a type normally relied upon by others in the
15 particular field of expertise in forming opinions and drawing inferences, need not be admissible in
16 evidence.

17 The expert may testify in terms of opinion or inference and give his reasons therefor without prior
18 disclosure of the underlying facts or data, unless the court requires otherwise. The expert may in any
19 event be required to disclose the underlying facts or data on cross-examination.

20 To the extent called to the attention of an expert witness upon cross-examination or relied upon by
21 the expert witness in direct examination, statements contained in published treatises, periodicals or
22 pamphlets on a subject of history, medicine or other science or art, established as a reliable authority by
23 testimony or by stipulation, shall not be excluded as hearsay. If admitted, the statements may be read
24 into evidence but may not be received as exhibits. If the statements are to be introduced through an
25 expert witness upon direct examination, copies of the *specific* statements shall be *designated as*
26 *literature to be introduced during direct examination and* provided to opposing parties ~~thirty~~ 30 days
27 prior to trial unless otherwise ordered by the court.

28 *If a statement has been designated by a party in accordance with and satisfies the requirements of*
29 *this section, the expert witness called by that party need not have relied on the statement at the time of*
30 *forming his opinion in order to read the statement into evidence during direct examination at trial.*

ENROLLED

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