

28 notice shall provide [~~notice~~] to the other party notice of witnesses whom the party anticipates
29 calling to rebut the expert's testimony, including the name and address of any expert witness and
30 the expert's curriculum vitae. If available, a report of any rebuttal expert shall be provided to the
31 other party.

32 (b) If the rebuttal expert has not prepared a report or the report does not adequately inform
33 concerning the substance of the expert's proposed testimony, or in the event the rebuttal witness
34 is not an expert, the party intending to call the rebuttal witness shall provide a written explanation
35 of the witness's anticipated rebuttal testimony sufficient to give the opposing party adequate notice
36 to prepare to meet the testimony, followed by a copy of any report prepared by any rebuttal expert
37 when available.

38 [~~(3)~~] (4) (a) If the defendant or the prosecution fails to meet the requirements of this
39 section, the opposing party shall be entitled to a continuance of the trial or hearing sufficient to
40 allow preparation to meet the testimony.

41 (b) If the court finds that the failure to comply with this section is the result of bad faith
42 on the part of any party or attorney, the court shall impose appropriate sanctions.

43 (5) (a) For purposes of this section, testimony of an expert at a preliminary hearing held
44 pursuant to Rule 7 of the Utah Rules of Criminal Procedure constitutes notice of the expert, the
45 expert's qualifications, and a report of the expert's proposed trial testimony as to the subject matter
46 testified to by the expert at the preliminary hearing.

47 (b) Upon request, the party who called the expert at the preliminary hearing shall provide
48 the opposing party with a copy of the expert's curriculum vitae as soon as practicable prior to trial
49 or any hearing at which the expert may be called as an expert witness.

Legislative Review Note
as of 1-13-99 11:43 AM

A limited legal review of this legislation raises no obvious constitutional or statutory concerns.

Office of Legislative Research and General Counsel