



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.

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**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**