

SESSION OF 2026

**SUPPLEMENTAL NOTE ON SENATE BILL NO. 398**

As Recommended by Senate Committee on  
Judiciary

**Brief\***

SB 398 would amend the Kansas Rules of Evidence regarding expert testimony to allow an expert witness to testify in the form of an opinion or otherwise, if a proponent demonstrates that it is more likely than not that certain specialized knowledge will help the trier of fact understand evidence related to such knowledge.

Under the provisions of the bill, such expert witness testimony could be offered if the proponent demonstrates to the court that it is more likely than not that the:

- Expert's scientific, technical, or other specialized knowledge will help the trier of fact to understand the evidence or to determine a fact at issue;
- Testimony is based on sufficient facts or data;
- Testimony is the product of reliable principles and methods; and
- Expert's opinion reflects a reliable application of such principles and methods to the facts of the case.

**Background**

The bill was introduced by the Senate Committee on Judiciary at the request of the Kansas Chamber of Commerce.

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\*Supplemental notes are prepared by the Legislative Research Department and do not express legislative intent. The supplemental note and fiscal note for this bill may be accessed on the Internet at <https://klrd.gov/>

### **Senate Committee on Judiciary**

In the Senate Committee hearing, a representative of the Kansas Chamber of Commerce offered **proponent** testimony, stating that enactment of the bill would allow Kansas statute to reflect recent changes to the Federal Rules of Evidence.

Written-only proponent testimony was provided by representatives of the Greater Kansas City Chamber of Commerce; Kansas Association of Defense Counsel; Kansas Association of Property & Casualty Insurance Companies, Inc.; Kansas Motor Carriers Association and American Trucking Associations; State Board of Indigents' Defense Services; and National Federation of Independent Business.

Written-only **opponent** testimony was provided by a representative of the Kansas Chiropractic Association, who generally stated that enactment of the bill would take fact-finding authority away from juries, disadvantage health care experts, and increase litigation costs.

No other testimony was provided.

### **Fiscal Information**

According to the fiscal note prepared by the Division of the Budget on the bill, the Office of Judicial Administration indicates enactment of the bill would have a negligible fiscal effect on expenditures of the Judicial Branch. Any fiscal effect associated with the bill is not reflected in *The FY 2027 Governor's Budget Report*.

Judiciary; evidence; testimony; expert witnesses