

KANSAS OFFICE *of*  
**REVISOR *of* STATUTES**

LEGISLATURE *of* THE STATE *of* KANSAS  
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**MEMORANDUM**

To: Senate Committee on Judiciary

From: Office of Revisor of Statutes

Date: February 5, 2026

Subject: Bill Brief on SB 398

Senate Bill 398 requires a proponent to demonstrate that it is more likely than not that certain specialized knowledge will help the trier of fact to understand evidence.

The bill amends K.S.A. 60-456, the statute relating to testimony in the form of opinion or inferences. Current law provides that if scientific, technical or other specialized knowledge will help the trier of fact to understand the evidence or to determine a fact in issue, a witness who is qualified as an expert may testify in the form of an opinion or otherwise if (1) the testimony is based on sufficient facts or data, (2) is the product of reliable principles and methods and (3) the witness has reliably applied the principles and methods to the facts of the case.

This bill would modify the provision to provide that a witness who is qualified as an expert may testify in the form of opinion or otherwise if the proponent demonstrates to the court that it is more likely than not that (1) the expert's scientific, technical or other specialized knowledge will help the trier of fact to understand the evidence or to determine a fact in issue, (2) the testimony is based on sufficient facts or data, (3) the testimony is the product of reliable principals and methods, and (4) the expert's opinion reflects a reliable application of the principles and methods to the facts of the case.