

1 **Rule 701. Opinion testimony by lay witnesses.**

2 If the witness is not testifying as an expert, the witness' testimony in the form of opinions or
3 inferences is limited to those opinions or inferences which are (a) rationally based on the perception
4 of the witness, ~~and~~ (b) helpful to a clear understanding of the witness' testimony or the determination
5 of a fact in issue, and (c) not based on scientific, technical, or other specialized knowledge within
6 the scope of Rule 702.

7 **Advisory Committee Note** - This rule is the federal rule, verbatim. The 2009 amendment
8 adopts changes made in Federal Rule of Evidence 701 effective December 1, 2000. This amendment
9 is not intended to change the law, but reflects the Utah Supreme Court's holding in *State v.*
10 *Rothlisberger*, 2006 UT 49, ¶¶ 23-24, 147 P.3d 1176.