

As Introduced

124th General Assembly
Regular Session
2001-2002

S. B. No. 161

SENATOR Jacobson

A BILL

To amend sections 2505.09 and 2505.16 of the Revised Code to specify a maximum allowable amount for a supersedeas bond to obtain a stay of execution during an appeal.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF OHIO:

Section 1. That sections 2505.09 and 2505.16 of the Revised Code be amended to read as follows:

Sec. 2505.09. Except as provided in section 2505.11 or 2505.12 or another section of the Revised Code or in applicable rules governing courts, an appeal does not operate as a stay of execution until a stay of execution has been obtained pursuant to the Rules of Appellate Procedure or in another applicable manner, and a supersedeas bond is executed by the appellant to the appellee, with sufficient sureties and in ~~such a sum, that is~~ not less than, if applicable, the amount of the final order, judgment, or decree and interest involved, and not more than fifty million dollars excluding interest and costs, as ~~is~~ directed by the court that rendered the final order, judgment, or decree that is sought to be superseded or by the court to which the appeal is taken. ~~Such~~ That bond shall be conditioned as provided in section 2505.14 of the Revised Code.

Sec. 2505.16. When a surety upon a supersedeas bond has 21
~~removed from~~ moved out of the state or is not sufficient, or ~~when~~ 22
if the bond is insufficient in form or amount, on motion, the 23
appellate court may order its change or renewal, or that a new 24
supersedeas bond be given, with security to be approved by the 25
court and in an amount to be determined with the limitations 26
specified in section 2505.09 of the Revised Code. If ~~such that~~ 27
order is not complied with, the stay of execution shall cease to 28
operate. 29

Section 2. That existing sections 2505.09 and 2505.16 of the 30
Revised Code are hereby repealed. 31