

As Passed by the House

124th General Assembly

Regular Session

2001-2002

Am. S. B. No. 161

SENATORS Jacobson, Austria, Harris

REPRESENTATIVES Willamowski, Seitz, Latta, Hagan, Salerno

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.

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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:

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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 cumulative total for all claims covered by the final order, judgment, or decree and interest involved, except that the bond shall not exceed 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and costs, as ~~is~~ directed by the court that rendered the final order, judgment, or decree that is sought to be superseded or by the court to which the appeal is

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taken. ~~Such~~ That bond shall be conditioned as provided in section 20
2505.14 of the Revised Code. 21

Sec. 2505.16. When a surety upon a supersedeas bond has 22
~~removed from~~ moved out of the state or is not sufficient, or ~~when~~ 23
if the bond is insufficient in form or amount, on motion, the 24
appellate court may order its change or renewal, or that a new 25
supersedeas bond be given, with security to be approved by the 26
court and in an amount to be determined with the limitations 27
specified in section 2505.09 of the Revised Code. If ~~such that~~ 28
order is not complied with, the stay of execution shall cease to 29
operate. 30

Section 2. That existing sections 2505.09 and 2505.16 of the 31
Revised Code are hereby repealed. 32