

**As Reported by the House Civil and Commercial Law Committee**

**124th General Assembly**

**Regular Session**

**2001-2002**

**Am. S. B. No. 161**

**SENATORS Jacobson, Austria, Harris**

**REPRESENTATIVES Willamowski, Seitz, Latta**

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**A B I L L**

To amend sections 2505.09 and 2505.16 of the Revised 1  
Code to specify a maximum allowable amount for a 2  
supersedeas bond to obtain a stay of execution 3  
during an appeal. 4

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

**Section 1.** That sections 2505.09 and 2505.16 of the Revised 5  
Code be amended to read as follows: 6

**Sec. 2505.09.** Except as provided in section 2505.11 or 7  
2505.12 or another section of the Revised Code or in applicable 8  
rules governing courts, an appeal does not operate as a stay of 9  
execution until a stay of execution has been obtained pursuant to 10  
the Rules of Appellate Procedure or in another applicable manner, 11  
and a supersedeas bond is executed by the appellant to the 12  
appellee, with sufficient sureties and in ~~such a sum,~~ that is not 13  
less than, if applicable, the ~~amount of~~ cumulative total for all 14  
claims covered by the final order, judgment, or decree and 15  
interest involved, except that the bond shall not exceed fifty 16  
million dollars excluding interest and costs, as ~~is~~ directed by 17  
the court that rendered the final order, judgment, or decree that 18  
is sought to be superseded or by the court to which the appeal is 19

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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Revised Code are hereby repealed. 32