

As Reported by the Senate Judiciary--Civil Justice Committee

124th General Assembly

Regular Session

2001-2002

Am. S. B. No. 161

SENATORS Jacobson, Austria

A B I L L

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.

1
2
3
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
Code be amended to read as follows:

5
6

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, 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decree that is sought to be superseded or by the court to which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 taken. ~~Such~~ That bond shall be conditioned as
provided in section 2505.14 of the Revised Code.

7
8
9
10
11
12
13
14
15
16
17
18
19
20

As Reported by the Senate Judiciary--Civil Justice Committee

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Revised Code are hereby repealed. 31