

SB1888



96TH GENERAL ASSEMBLY

State of Illinois

2009 and 2010

SB1888

Introduced 2/20/2009, by Sen. Don Harmon

SYNOPSIS AS INTRODUCED:

735 ILCS 5/2-1306 new

Amends the Code of Civil Procedure by adding a new Section. Provides that in civil litigation under any legal theory, execution of the judgment shall be stayed during appellate review upon the posting of a supersedeas bond set in accordance with law or court rules, except that the total supersedeas bond that is required of all appellants collectively shall not exceed \$75,000,000, regardless of the judgment amount. Provides that if an appellee proves that an appellant is dissipating assets outside the ordinary course of business to avoid payment of a judgment, a court may require the appellant to post a supersedeas bond in an amount up to the total judgment amount. Effective immediately.

LRB096 10829 AJO 21055 b

A BILL FOR

1 AN ACT concerning civil law.

2 **Be it enacted by the People of the State of Illinois,**
3 **represented in the General Assembly:**

4 Section 5. The Code of Civil Procedure is amended by adding
5 Section 2-1306 as follows:

6 (735 ILCS 5/2-1306 new)

7 Sec. 2-1306. Supersedeas bonds.

8 (a) In civil litigation under any legal theory, execution
9 of the judgment shall be stayed during the entire course of
10 appellate review upon the posting of a supersedeas bond set in
11 accordance with applicable laws or court rules, except that the
12 total supersedeas bond that is required of all appellants
13 collectively shall not exceed \$75,000,000, regardless of the
14 amount of the judgment.

15 (b) Notwithstanding subsection (a) of this Section, if an
16 appellee proves by a preponderance of the evidence that an
17 appellant is dissipating assets outside the ordinary course of
18 business to avoid payment of a judgment, a court may require
19 the appellant to post a supersedeas bond in an amount up to the
20 total amount of the judgment.

21 Section 99. Effective date. This Act takes effect upon
22 becoming law.