



Sen. Don Harmon

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09600SB1888sam002

LRB096 10829 AJ0 41209 a

1 AMENDMENT TO SENATE BILL 1888

2 AMENDMENT NO. _____. Amend Senate Bill 1888, AS AMENDED,
3 by replacing everything after the enacting clause with the
4 following:

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

7 (735 ILCS 5/2-1306 new)

8 Sec. 2-1306. Supersedeas bonds.

9 (a) In civil litigation under any legal theory, execution
10 of the judgment shall be stayed during the entire course of
11 appellate review upon the posting of a supersedeas bond or
12 other form of security in accordance with applicable laws or
13 court rules, except that the total amount of the supersedeas
14 bond or other form of security that is required of all
15 appellants collectively shall not exceed \$350,000,000,
16 regardless of the amount of the judgment, provided that this

1 limitation shall apply only if appellants file at least 35% of
2 the total amount in the form of cash, a letter of credit, a
3 certificate of deposit, or other cash equivalent with the
4 court. The cash or cash equivalent shall be deposited by the
5 clerk of the court in the account of the court, and any
6 interest earned shall be utilized as provided by law.

7 (b) Notwithstanding subsection (a) of this Section, if an
8 appellee proves by a preponderance of the evidence that an
9 appellant is dissipating assets outside the ordinary course of
10 business to avoid payment of a judgment, a court may require
11 the appellant to post a supersedeas bond in an amount up to the
12 total amount of the judgment.

13 (c) This Section applies to pending actions as well as
14 actions commenced on or after its effective date.

15 Section 99. Effective date. This Act takes effect upon
16 becoming law.".