



Rep. Tom Cross

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09700SB1355ham003

LRB097 07919 AJ0 70153 a

1 AMENDMENT TO SENATE BILL 1355

2 AMENDMENT NO. \_\_\_\_\_. Amend Senate Bill 1355 by replacing  
3 everything after the enacting clause with the following:

4 "Section 5. The Code of Civil Procedure is amended by  
5 adding 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 involving a  
9 signatory, a successor to a signatory, or a parent or an  
10 affiliate of a signatory to the Master Settlement Agreement  
11 described in Section 6z-43 of the State Finance Act, execution  
12 of the judgment shall be stayed during the entire course of  
13 appellate review upon the posting of a supersedeas bond or  
14 other form of security in accordance with applicable laws or  
15 court rules, except that the total amount of the supersedeas  
16 bond or other form of security that is required of all

1 appellants collectively shall not exceed \$250,000,000,  
2 regardless of the amount of the judgment, provided that this  
3 limitation shall apply only if appellants file at least 30% of  
4 the total amount in the form of cash, a letter of credit, a  
5 certificate of deposit, or other cash equivalent with the  
6 court. The cash or cash equivalent shall be deposited by the  
7 clerk of the court in the account of the court, and any  
8 interest earned shall be utilized as provided by law.

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

15 (c) This Section applies to pending actions as well as  
16 actions commenced on or after its effective date, and to  
17 judgments entered or reinstated on or after its effective date.

18 Section 99. Effective date. This Act takes effect upon  
19 becoming law.".