



Significant Issues

According to the Administrative Office of the Courts (AOC), SCRA 1986, 1-062 (D) provides that the bond may be given at or after the time of filing the notice of appeal or of procuring the order allowing the appeal. Further, AOC cites, “the stay is effective when the supersedeas bond is approved by the district court, and that the bond shall be conditioned on the satisfaction of and compliance with the judgment in full together with costs, interest and damages for delay if for any reason the appeal is dismissed or if the judgment is affirmed, and to satisfy in full such modification of the judgment and such costs, interest and damages as the appellate court may adjudge and award. The surety, sureties or collateral securing such bond, and the terms thereof, must be approved by and the amount fixed by the district court. Each personal surety shall be required to show a net worth at least double the amount of the bond. When the judgment is for the recovery of money, the amount of the bond shall be such sum as will cover the whole amount of the judgment remaining unsatisfied, plus costs, interest and damages for delay.”

AOC asserts that although judgments that would be affected by this proposed law are extremely rare, in those cases the victorious party (either plaintiff or defendant) would not adequately be protected during the appellate process.

**PERFORMANCE IMPLICATIONS**

The courts are participating in performance-based budgeting. It is unknown, according to AOC, if enactment of this bill would impact performance measures as they relate to judicial budgeting.

**FISCAL IMPLICATIONS**

There is no appropriation made in this bill.

**ADMINISTRATIVE IMPLICATIONS**

No administrative implications resulting from the enactment of this bill are known at this time.

**CONFLICT, DUPLICATION, COMPANIONSHIP, RELATIONSHIP**

HB 469, Maximum Amount for Supersedeas Bond duplicates SB306.

**WHAT WILL BE THE CONSEQUENCES OF NOT ENACTING THIS BILL?**

There would not be a maximum statutorily-established amount for supersedeas bonds.

**EM/lg**