

Session 116 - (2005-2006)

H 4363 General Bill, By Cato, Cooper, Bailey and Battle

Summary: Supersedeas bond or other form of security is not required to obtain a stay of execution

A BILL TO AMEND SECTION 18-9-130, AS AMENDED, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO THE EFFECT OF NOTICE OF APPEAL ON THE EXECUTION OF A JUDGMENT, SO AS TO PROVIDE THAT A SUPERSEDEAS BOND OR OTHER FORM OF SECURITY IS NOT REQUIRED TO OBTAIN A STAY OF EXECUTION OF A JUDGMENT DURING A PENDING APPEAL EXCEPT UPON MOTION OF THE RESPONDENT, TO PROVIDE GUIDELINES FOR THE COURT TO FOLLOW WHEN DETERMINING THE AMOUNT OF A SUPERSEDEAS BOND OR OTHER FORM OF SECURITY AND A METHOD TO FIX A LESSER AMOUNT RATHER THAN THE ENTIRE AMOUNT OF THE JUDGMENT AND OTHER COSTS WHEN THE COURT FINDS THE APPELLANT IS LIKELY TO SUFFER SUBSTANTIAL ECONOMIC HARM, AND TO PROVIDE SAFEGUARDS WHEN AN APPELLANT IS REQUIRED TO PROVIDE THE COURT WITH DOCUMENTS OR INFORMATION WHICH THE APPELLANT BELIEVES IN GOOD FAITH ARE CONFIDENTIAL OR WOULD BE POTENTIALLY DAMAGING TO HIS BUSINESS IF DISCLOSED TO THE PUBLIC, COMPETITORS, OR CUSTOMERS IN CONNECTION WITH THE COURT'S DETERMINATION OF THE APPELLANT'S NET WORTH.

12/07/05 House Prefiled

12/07/05 House Referred to Committee on Judiciary

01/10/06 House Introduced and read first time HJ-45

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