
By: **Senator Haines**

Introduced and read first time: February 3, 2004

Assigned to: Judicial Proceedings

A BILL ENTITLED

1 AN ACT concerning

2 **Supersedeas Bonds - Limitation on Amount**

3 FOR the purpose of prohibiting the total amount of a supersedeas bond required
4 collectively of all appellants to stay enforcement of a certain civil judgment
5 pending appeal from exceeding a certain amount, regardless of the amount of
6 the judgment; authorizing the court to require a bond in an amount up to the
7 full amount of the judgment under certain circumstances; providing for the
8 application of this Act; and generally relating to supersedeas bonds.

9 BY adding to
10 Article - Courts and Judicial Proceedings
11 Section 12-301.1
12 Annotated Code of Maryland
13 (2002 Replacement Volume and 2003 Supplement)

14 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF
15 MARYLAND, That the Laws of Maryland read as follows:

16 **Article - Courts and Judicial Proceedings**

17 12-301.1.

18 (A) NOTWITHSTANDING ANY OTHER LAW OR COURT RULE AND EXCEPT AS
19 PROVIDED IN SUBSECTION (B) OF THIS SECTION, IN AN APPEAL FROM A JUDGMENT
20 ENTERED IN FAVOR OF A PLAINTIFF IN A CIVIL ACTION, THE TOTAL AMOUNT OF THE
21 SUPERSEDEAS BOND REQUIRED COLLECTIVELY OF ALL APPELLANTS TO STAY
22 ENFORCEMENT OF THE JUDGMENT MAY NOT EXCEED \$25,000,000, REGARDLESS OF
23 THE AMOUNT OF THE JUDGMENT.

24 (B) IF AN APPELLEE PROVES BY A PREPONDERANCE OF THE EVIDENCE THAT
25 AN APPELLANT IS DISSIPATING ASSETS OUTSIDE THE ORDINARY COURSE OF
26 BUSINESS TO AVOID THE PAYMENT OF A JUDGMENT, THE COURT MAY REQUIRE THE
27 APPELLANT TO POST A BOND IN AN AMOUNT UP TO THE FULL AMOUNT OF THE
28 JUDGMENT.

1 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall apply to all
2 civil actions pending on or filed on or after the effective date of this Act.

3 SECTION 3. AND BE IT FURTHER ENACTED, That this Act shall take effect
4 October 1, 2004.