

By: Representative Howell

To: Judiciary A

HOUSE BILL NO. 426

1 AN ACT TO ALLOW THE WAIVER OF SUPERSEDEAS BOND REQUIREMENTS
2 IN CERTAIN CASES; TO AMEND SECTION 11-51-31, MISSISSIPPI CODE OF
3 1972, IN CONFORMITY THERETO; AND FOR RELATED PURPOSES.

4 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MISSISSIPPI:

5 **SECTION 1.** (1) If a plaintiff in a civil action obtains a
6 judgment for punitive or exemplary damages, the state supersedeas
7 bond requirements shall be waived as to that portion of the
8 punitive or exemplary damages that exceeds One Million Dollars
9 (\$1,000,000.00) if the party or parties found liable seek a stay
10 of enforcement of the judgment during the appeal.

11 (2) If the party seeking the appeal is a small business
12 organized and doing business under the laws of this state, the
13 state supersedeas bond requirements shall be waived as to that
14 portion of the punitive or exemplary damages that exceeds One
15 Hundred Thousand Dollars (\$100,000.00) while any appeals are
16 pending. A small business is a business that has fifty (50) or
17 fewer employees and annual revenues of Five Million Dollars
18 (\$5,000,000.00) or less.

19 (3) If plaintiff proves by a preponderance of the evidence
20 that a party bringing an appeal, for whom the supersedeas bond
21 requirement has been waived, is purposefully dissipating its
22 assets or diverting assets outside the jurisdiction of the United
23 States courts, waiver shall be rescinded and the bond requirement
24 shall be reinstated for the full amount of the judgment.

25 (4) A court may otherwise waiver the filing of a supersedeas
26 bond as to punitive or exemplary damages in a civil action for
27 good cause shown.



28 **SECTION 2.** Section 11-51-31, Mississippi Code of 1972, is
29 amended as follows:

30 11-51-31. A supersedeas shall not be granted in any case
31 pending before the Supreme Court, unless the party applying for it
32 shall give bond as required by the Rules of the Supreme Court or
33 unless waived under Section 1 of House Bill _____, 2002 Regular
34 Session.

35 **SECTION 3.** This act shall take effect and be in force from
36 and after July 1, 2002, and shall apply to any cause of action
37 commenced on or after that date.

