

By: Representative Gunn

To: Judiciary A

HOUSE BILL NO. 1529

1 AN ACT TO AMEND SECTION 11-51-31, MISSISSIPPI CODE OF 1972,
2 TO PROVIDE REQUIREMENTS FOR APPEAL BONDS TO STAY AN EXECUTION OF A
3 JUDGMENT IN CIVIL ACTIONS; AND FOR RELATED PURPOSES.

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

5 **SECTION 1.** Section 11-51-31, Mississippi Code of 1972, is
6 amended as follows:

7 11-51-31. (1) A supersedeas shall not be granted in any
8 case pending before the Supreme Court, unless the party applying
9 for it shall give bond as required by the Rules of the Supreme
10 Court.

11 (2) In civil litigation under any legal theory, the appeal
12 bond to be furnished during the pendency of all appeals or
13 discretionary reviews by any appellate courts in order to stay the
14 execution of any judgment granting legal, equitable, or other
15 relief during the entire course of appellate review shall be set
16 in accordance with applicable laws or court rules, except that:

17 (a) The total appeal bond or other forms of security
18 that are required of all appellants collectively shall not exceed



19 Twenty-five Million Dollars (\$25,000,000.00), regardless of the
20 value of the judgment;

21 (b) If the party posting the appeal bond is a "small
22 business" as defined by Section 57-10-155(a), the total appeal
23 bond shall not exceed One Million Dollars (\$1,000,000.00).

24 (3) Notwithstanding subsection (2) of this section, if an
25 appellee proves by a preponderance of the evidence that an
26 appellant is dissipating assets outside the ordinary course of
27 business to avoid payment of a judgment, a court may enter orders
28 that:

29 (a) Are necessary to protect the appellee; and

30 (b) Require the appellant to post a bond in an amount
31 up to the total amount of the judgment.

32 (4) In this section:

33 (a) "Civil litigation" includes, without limitation,
34 cases involving individual, aggregated, class action, or otherwise
35 joined claims.

36 (b) "Legal, equitable, or other relief" means all forms
37 of relief including, without limitation, compensatory, special,
38 punitive, exemplary or other damages, injunctive relief, or any
39 other form of relief.

40 (c) "Dissipation of assets" shall not include
41 expenditures, including payments to the owners of a business, of a
42 kind that the appellant made in the regular course of business
43 prior to entry of the judgment being appealed.



44 (d) The provisions of this section shall apply to all
45 judgments entered on or after the effective date of this act,
46 regardless of the date the civil litigation was filed.

47 **SECTION 2.** This act shall take effect and be in force from
48 and after July 1, 2016.

