

By: Senator(s) Robertson, Ross, Minor,  
Gordon, Michel, Chaney, Johnson (19th),  
Nunnelee, Gollott, Moffatt, Hamilton, White  
(29th), Posey, Dearing, Burton, Kirby, Hewes,  
Carlton

To: Judiciary

SENATE BILL NO. 2791

1 AN ACT TO AMEND SECTION 11-51-59, MISSISSIPPI CODE OF 1972,  
2 TO LIMIT THE AMOUNT OF THE BOND FOR STAY OF EXECUTION WHEN AN  
3 APPEAL IS TAKEN IN A CIVIL ACTION; AND FOR RELATED PURPOSES.

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

5 SECTION 1. Section 11-51-59, Mississippi Code of 1972, is  
6 amended as follows:

7 11-51-59. (1) When an appeal shall be taken, and bond for  
8 stay of execution given, the clerk shall not issue execution on  
9 the judgment or decree appealed from until such stay shall end or  
10 be discharged. If execution had been issued before the bond for  
11 stay of execution was given, the clerk shall issue a command to  
12 the officer in whose hands the execution may be to desist from  
13 enforcing it, and to surrender any property seized under it to the  
14 person from whom it was taken or who may be entitled to it.

15 (2) Notwithstanding Section 11-51-31 or any other provision  
16 of law, if an appeal shall be taken in a civil action in which a  
17 judgment of any kind has been entered, regardless of the amount or  
18 kind of damages awarded or the legal theory, and a bond for stay  
19 of execution is sought, the amount of the bond shall be determined  
20 in accordance with rules of the Supreme Court, except that in no  
21 event shall the amount of the required bond or equivalent surety  
22 exceed One Hundred Million Dollars (\$100,000,000.00) regardless of  
23 the amount of the judgment. The bond limit established in this  
24 section shall be increased or decreased every ten (10) years  
25 commencing July 1, 2010, in accordance with changes in the  
26 Consumer Price Index of the federal Bureau of Labor Statistics.

27       (3) Nothing in this section or any other provision of law  
28 shall be construed to eliminate the discretion of the court, for  
29 good cause shown, to set the bond on appeal in an amount lower  
30 than that otherwise established by law.

31       SECTION 2. This act shall take effect and be in force from  
32 and after its passage and shall further apply to all actions  
33 pending on or after that date.