

House Judiciary Committee Amendment # 1 as amended

Amendment No. 1 to HB0141

Fowlkes
Signature of Sponsor

FILED
Date _____
Time _____
Clerk _____
Comm. Amdt. _____

AMEND Senate Bill No. 1687

House Bill No. 141*

By deleting all language after the enacting clause and substituting instead the following:

SECTION 1. Tennessee Code Annotated, Title 27, Chapter 1, Part 1, is amended by adding the following as a new, appropriately designated section:

Section 27-1-124. Stay of execution - bond required in civil matters.

(a) If a plaintiff in a civil action obtains a judgment under any legal theory, the amount of the appeal bond necessary to stay execution during the course of all appeals or discretionary reviews of that judgment by any appellate court shall be set in accordance with applicable laws or court rules, except that the total appeal bond that is required of all appellants shall not exceed fifty million dollars (\$50,000,000) regardless of the value of the judgment.

(b) Notwithstanding subsection (a), if an appellee proves by a preponderance of the evidence that an appellant is dissipating assets outside the ordinary course of business to avoid payment of a judgment, a court may enter orders that:

- (1) Are necessary to protect the appellee; and
- (2) Require the appellant to post a bond in an amount up to the total value of the judgment.

SECTION 2. This act shall take effect upon becoming a law, the public welfare requiring it and shall apply to all cases pending on or filed on or after that date.