

2003 SENATE BILL 273

October 8, 2003 – Introduced by Senators KANAVAS, ERPENBACH, WELCH, PLALE, S. FITZGERALD, LASSA, SCHULTZ, M. MEYER, DARLING, WIRCH, STEPP, DECKER, ZIEN, REYNOLDS, LEIBHAM, HANSEN and BRESKE, cosponsored by Representatives SUDER, KREUSER, PETTIS, HUEBSCH, J. WOOD, FRISKE, SHILLING, MUSSER, LADWIG, JESKEWITZ, KAUFERT, MONTGOMERY, TRAVIS, BALOW, McCORMICK, HUBLER, PETROWSKI, HINES, PLOUFF, J. FITZGERALD, GUNDERSON, GROTHMAN, RICHARDS, SCHNEIDER, F. LASEE, SHERMAN, COLON, SINICKI and HUNDERTMARK. Referred to Committee on Judiciary, Corrections and Privacy.

1 **AN ACT** *to create* 808.07 (2m) of the statutes; **relating to:** limiting the amount
2 of bond set by a court in a civil action.

Analysis by the Legislative Reference Bureau

Current law allows a trial or appellate court to require an appellant in a civil case to post bond during the pendency of an appeal. This bill limits the amount of bond required of all appellants collectively to \$100,000,000. The bill also provides that, if an appellee proves by a preponderance of the evidence that an appellant is dissipating assets outside the ordinary course of business, a court may enter any order necessary to protect the appellee and may require the appellant to post a bond in an amount up to the amount of the judgment.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

3 **SECTION 1.** 808.07 (2m) of the statutes is created to read:
4 808.07 **(2m)** LIMIT ON UNDERTAKING. (a) During the pendency of an appeal, a
5 trial court or appellate court may not require an undertaking of all appellants
6 collectively that exceeds \$100,000,000.

