

JAN 16 2002

JUDICIARY

HOUSE FILE 2052

BY WARNSTADT and HOVERSTEN

Passed House, Date _____ Passed Senate, Date _____
 Vote: Ayes _____ Nays _____ Vote: Ayes _____ Nays _____
 Approved _____

A BILL FOR

1 An Act authorizing the district court to waive the requirement
 2 that the state or any of its political subdivisions file a
 3 supersedeas bond upon appeal to the Iowa supreme court.

4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

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HF 2052

1 Section 1. Section 625A.9, Code 2001, is amended to read
2 as follows:

3 625A.9 EXECUTION ON UNSTAYED PART OF JUDGMENT --
4 SUPERSEDEAS BOND WAIVED.

5 1. The taking of the appeal from part of a judgment or
6 order, and the filing of a bond ~~as-above-directed~~, does not
7 stay execution as to that part of the judgment or order not
8 appealed from.

9 2. Upon motion and for good cause shown, the district
10 court may stay all proceedings under the order or judgment
11 being appealed and permit the state or any of its political
12 subdivisions to appeal a judgment or order to the supreme
13 court without the filing of a supersedeas bond.

14 Sec. 2. Rule of appellate procedure 6.7, Iowa court rules,
15 fourth edition, is amended by adding the following new
16 subrule:

17 NEW SUBRULE. 6.7(6) Upon motion and for good cause shown,
18 the trial court may stay all proceedings under the order or
19 judgment being appealed and permit the state or any of its
20 political subdivisions to appeal a judgment or order to the
21 supreme court without the filing of a supersedeas bond.

22 EXPLANATION

23 This bill permits the state or any of its political
24 subdivisions to request the district court upon a showing of
25 good cause to stay all proceedings under the order or judgment
26 being appealed and waive the requirement that the state or any
27 of its political subdivisions file a supersedeas bond upon
28 appeal to the Iowa Supreme Court.

29 The bill amends Iowa Code section 625A.9 and the
30 corresponding rule of appellate procedure, rule 6.7, contained
31 in the Iowa Court Rules, fourth edition. Rule of appellate
32 procedure 6.7, formerly rule of appellate procedure 7, is
33 effective February 15, 2002.

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