

IN THE SENATE

SENATE BILL NO. 1256

BY JUDICIARY AND RULES COMMITTEE

AN ACT

1 RELATING TO EXECUTIONS; AMENDING SECTION 11-101, IDAHO CODE, TO REVISE
2 PROVISIONS RELATING TO THE RIGHT OF THE COURT TO STAY EXECUTION AND TO
3 REMOVE REFERENCE TO CERTAIN IDAHO CODE SECTIONS.
4

5 Be It Enacted by the Legislature of the State of Idaho:

6 SECTION 1. That Section 11-101, Idaho Code, be, and the same is hereby
7 amended to read as follows:

8 11-101. TIME WITHIN WHICH EXECUTION MAY ISSUE -- STAY PENDING
9 DISPOSITION OF MOTIONS. Except as provided in section 5-245, Idaho Code,
10 for execution on judgments for support of a child, the party in whose favor
11 judgment is given may, at any time within five (5) years after the entry
12 thereof, have a writ of execution issued for its enforcement, subject to the
13 right of the court to stay execution as ~~herein~~ provided by the rules adopted
14 by the supreme court.

15 ~~In its discretion and on such conditions for the security of the adverse~~
16 ~~party or parties as are proper, the court may stay the execution of, or~~
17 ~~any proceeding to enforce, a judgment pending the disposition of a motion~~
18 ~~for a new trial made pursuant to section 10-602, Idaho Code, or judgment~~
19 ~~notwithstanding the verdict made pursuant to sections 10-224 and 10-602,~~
20 ~~Idaho Code, or a motion for relief from a judgment or order made pursuant to~~
21 ~~section 5-905, Idaho Code.~~