

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.~~