

**PROPOSED REVISIONS TO THE CRIMINAL FORMS  
PROPOSAL 2018-040**

The Supreme Court is considering amendments to Forms 9-212, 9-212A, and 9-212C NMRA.

If you would like to comment on the proposed amendments set forth below before the Court takes final action, you may do so by either submitting a comment electronically through the Supreme Court's web site at <http://supremecourt.nmcourts.gov/open-for-comment.aspx> or sending your written comments by mail, email, or fax to:

Joey D. Moya, Clerk  
New Mexico Supreme Court  
P.O. Box 848  
Santa Fe, New Mexico 87504-0848  
[nmsupremecourtclerk@nmcourts.gov](mailto:nmsupremecourtclerk@nmcourts.gov)  
505-827-4837 (fax)

Your comments must be received by the Clerk on or before **November 29, 2018**, to be considered by the Court. Please note that any submitted comments may be posted on the Supreme Court's web site for public viewing.

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**9-212. Bench warrant.**

[For use with District Court [~~Criminal~~] Rule 5-209 NMRA]

STATE OF NEW MEXICO  
COUNTY OF \_\_\_\_\_  
\_\_\_\_\_ JUDICIAL DISTRICT

[~~No.~~]

STATE OF NEW MEXICO

v. No. \_\_\_\_\_

\_\_\_\_\_, Defendant.

**BENCH WARRANT**

THE STATE OF NEW MEXICO TO ANY OFFICER AUTHORIZED TO EXECUTE THIS WARRANT:

YOU ARE HEREBY COMMANDED to arrest \_\_\_\_\_ [~~and bring (him)~~  
(~~her~~) ~~forthwith~~] to appear before this court to answer the following charges:  
(check appropriate box or boxes)

- grand jury indictment filed on \_\_\_\_\_ (date) on the following charges:  
\_\_\_\_\_.
- failure to appear at the time and place ordered by this court.
- failure to appear as required by a subpoena issued by this court.
- failure to appear in accordance with the conditions of release imposed by this court.
- conditions of release previously imposed should be revoked or reviewed.
- contempt of court.
- failure to pay fines or costs previously imposed.
- failure to comply with conditions of probation.
- other: \_\_\_\_\_.

**[Bond provisions:]**

*(check applicable box)*

- Book and release on own recognizance.
- Book and release on unsecured bond set in the amount of \$\_\_\_\_\_.
- [~~Bond is~~] Book and release on secured bond set in the amount of \$\_\_\_\_\_ (cash bond 10% of bond) (surety) (property bond).
- Book and hold the defendant pending further order of the court.
- Other:\_\_\_\_\_.

\_\_\_\_\_  
Judge

**Description of defendant:**

Name \_\_\_\_\_  
 Alias \_\_\_\_\_  
 Date of birth \_\_\_\_\_  
 Social Security No. \_\_\_\_\_  
 Address \_\_\_\_\_  
 Sex (*male*) (*female*)    Height \_\_\_\_\_    Weight \_\_\_\_\_  
 Hair color \_\_\_\_\_    Eyes \_\_\_\_\_  
 Scars, marks and tattoos: \_\_\_\_\_

Vehicle (*make, model, year and color, if known*): \_\_\_\_\_  
 \_\_\_\_\_

**Extradition Information:**

The State will extradite the defendant from:

*(check and complete)*

- any contiguous state.
- anywhere in the continental United States.
- any other state.
- anywhere.

Prosecuting attorney: \_\_\_\_\_

By: \_\_\_\_\_

Date: \_\_\_\_\_  
Originating officer: \_\_\_\_\_  
Originating agency: \_\_\_\_\_

**RETURN**

I arrested the above-named person on the \_\_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_,  
by taking such person into custody.

\_\_\_\_\_  
Signature

\_\_\_\_\_  
Title

[As amended, effective January 1, 1996; October 7, 1999; as amended by Supreme Court Order No. \_\_\_\_\_, effective \_\_\_\_\_.]

**9-212A. Bench warrant.**

[For use with Metropolitan Court Rule 7-207 NMRA]

STATE OF NEW MEXICO  
COUNTY OF \_\_\_\_\_  
IN THE METROPOLITAN COURT

[No. \_\_\_\_\_]

[STATE OF NEW MEXICO]  
[COUNTY OF \_\_\_\_\_]  
[CITY OF \_\_\_\_\_]

v. \_\_\_\_\_ No. \_\_\_\_\_

\_\_\_\_\_, Defendant

DOB: \_\_\_\_\_  
Address: \_\_\_\_\_  
S.S.# \_\_\_\_\_

**BENCH WARRANT**

THE [STATE OF NEW MEXICO] [MUNICIPALITY OF \_\_\_\_\_]  
TO ANY OFFICER AUTHORIZED TO EXECUTE THIS WARRANT:

YOU ARE HEREBY COMMANDED to arrest the above-named defendant [~~and bring the defendant~~] to appear before this court to answer the following charges checked below unless released as indicated in the return:

*(check applicable box and describe facts below)*

- failure to appear as ordered by this court on \_\_\_\_\_;
- failure to appear as required by a subpoena issued by this court for \_\_\_\_\_;
- failure to appear in accordance with the conditions of release imposed by this court for \_\_\_\_\_;
- conditions of release previously imposed should be revoked or reviewed;
- contempt of court for \_\_\_\_\_;
- failure to pay fines or costs previously imposed by order entered \_\_\_\_\_ (date);
- failure to comply with conditions of probation as set forth in an order entered \_\_\_\_\_ (date);
- failure to appear at first offender program on \_\_\_\_\_;
- other \_\_\_\_\_ (*set forth any additional essential facts underlying issuance of this warrant*).

(check and complete, if applicable)

- Book and release the defendant on the defendant's own recognizance. The bench warrant fee<sup>1</sup> will be collected on appearance;

OR

- Book and release the defendant on unsecured bond set in the amount of \$ \_\_\_\_\_. The bench warrant fee<sup>1</sup> will be collected on appearance;

OR

- The defendant failed to appear either on a traffic citation other than a citation issued for a violation listed in Section 66-8-122 or 66-8-125 NMSA 1978 or a citation issued by an official authorized by law and may be released on a plea of guilty and payment of \$ \_\_\_\_\_ plus a \$100 bench warrant fee;<sup>1</sup>

OR

- The defendant failed to pay fines and costs and the defendant may be released upon payment of the outstanding fine and court costs in the amount of \$ \_\_\_\_\_ plus a \$100 bench warrant fee;<sup>1</sup>

OR

- [~~The~~ Book and release the defendant [~~may be released~~] on secured bond in the amount of \$ \_\_\_\_\_. The bench warrant fee will be collected on appearance;

OR

- Book and hold the defendant pending further order of the court. The bench warrant fee will be collected on appearance;

OR

- Other: \_\_\_\_\_.

**THIS WARRANT MAY BE EXECUTED:**

- in any jurisdiction;
- anywhere in this state;
- anywhere in this county;
- anywhere in this city.

The clerk of this court shall cause this warrant to be entered into a law enforcement information system<sup>2</sup>:

maintained by the state police.

\_\_\_\_\_ (identify other law enforcement information system).

\_\_\_\_\_  
Date

\_\_\_\_\_  
Judge

**RETURN**

The defendant was arrested and taken into custody on the \_\_\_\_\_ day of \_\_\_\_\_,

\_\_\_\_\_.

The defendant was released on bond in the amount set forth above.

The defendant was released upon receipt of the fine and court costs set forth above.

I have caused this warrant to be removed from the law enforcement information system identified in this warrant.

\_\_\_\_\_  
Signature

\_\_\_\_\_  
Title

**USE ~~[NOTE]~~ NOTES**

1. A \$100 bench warrant fee is assessed in the metropolitan court pursuant to NMSA 1978, Section 34-8A-12~~[NMSA 1978]~~.

2. All metropolitan court felony misdemeanor and driving while under the influence of intoxicating liquor or drugs warrants must be entered into a law enforcement information system.

[Effective, January 1, 1993; as amended, effective January 1, 1995; January 1, 1996; July 1, 1999; as amended by Supreme Court Order No. 07-8300-034, effective January 22, 2008; as amended by Supreme Court Order No. \_\_\_\_\_, effective \_\_\_\_\_.]

**9-212C. Bench warrant.**

[For use with Magistrate Court Rule 6-207 NMRA and Municipal Court Rule 8-206 NMRA]

STATE OF NEW MEXICO

[COUNTY OF \_\_\_\_\_]

[CITY OF \_\_\_\_\_]

\_\_\_\_\_ COURT

[STATE OF NEW MEXICO]  
[COUNTY OF \_\_\_\_\_]  
[CITY OF \_\_\_\_\_]

v. No. \_\_\_\_\_

\_\_\_\_\_, Defendant.

DOB: \_\_\_\_\_  
Address: \_\_\_\_\_  
S.S.#: \_\_\_\_\_

Charging Police Department \_\_\_\_\_  
Charges \_\_\_\_\_

### BENCH WARRANT

THE (STATE OF NEW MEXICO) (MUNICIPALITY OF \_\_\_\_\_)  
TO ANY OFFICER AUTHORIZED TO EXECUTE THIS WARRANT:

YOU ARE HEREBY COMMANDED to arrest the above-named defendant [~~and bring the defendant~~] to appear before this court to answer the following charges checked below unless released as indicated in the return:

*(check applicable box and describe facts below)*

- failure to appear as ordered by this court on \_\_\_\_\_;
- failure to appear as required by a subpoena issued by this court for \_\_\_\_\_;
- failure to appear in accordance with the conditions of release imposed by this court for \_\_\_\_\_;
- conditions of release previously imposed should be revoked or reviewed;
- contempt of court for \_\_\_\_\_;
- failure to pay fines or costs previously imposed by order entered \_\_\_\_\_ (date);
- failure to comply with conditions of probation as set forth in an order entered \_\_\_\_\_ (date);
- failure to appear at first offender program on \_\_\_\_\_;
- other \_\_\_\_\_

\_\_\_\_\_ (set forth any additional essential facts underlying issuance of this warrant).

*(check and complete, if applicable)*

- 1. Book and release the defendant on the defendant's own recognizance. The bench warrant fee will be collected upon appearance.

~~1. **BOND:** The defendant may be released on bond in the amount of \$\_\_\_\_\_. The bench warrant fee will be collected upon appearance.~~

OR

~~2. **PAYMENT:**~~ 2. The defendant failed to appear either on a traffic citation (other than a citation issued for a violation listed in Section 66-8-122 or 66-8-125 NMSA 1978, or similar municipal ordinance) or a citation issued by an official authorized by law and may be released on a plea of guilty and payment of \$\_\_\_\_\_, which includes a \$100 bench warrant fee.<sup>1</sup>

OR

~~3. **PAYMENT:**~~ 3. The defendant failed to pay fines and costs as ordered by the court and defendant may be released upon payment of the outstanding fine and court costs in the amount of \$\_\_\_\_\_, which includes a \$100 bench warrant fee<sup>[+]</sup>.

OR

4. Book and release the defendant on unsecured bond set in the amount of \$\_\_\_\_\_. The bench warrant fee will be collected upon appearance.

OR

5. Book and release the defendant on unsecured bond set in the amount of \$\_\_\_\_\_. The bench warrant fee will be collected upon appearance.

OR

6. Book and hold the defendant pending further order of the court.

OR

7. Other:\_\_\_\_\_.

IT IS HEREBY ORDERED THAT UPON SERVICE OF OR SURRENDER PURSUANT TO THIS WARRANT, DEFENDANT IS TO PAY THE \$100 BENCH WARRANT FEE, as reflected above.<sup>[+]</sup><sup>2</sup>

THIS WARRANT MAY BE EXECUTED:

- in any jurisdiction;<sup>3</sup>
- anywhere in this state;
- anywhere in this county;
- anywhere in this city.

The clerk of this court shall cause this warrant to be entered into a law enforcement information system<sup>[2]</sup><sup>4</sup>:

- maintained by the state police.
- \_\_\_\_\_ (identify other law enforcement information system).

\_\_\_\_\_  
Date

\_\_\_\_\_  
Judge

### RETURN

The defendant was arrested and taken into custody on the \_\_\_ day of \_\_\_\_\_, \_\_\_\_\_.

The defendant was released on bond in the amount set forth above.

[ ] The defendant was released upon receipt of the fine and court costs set forth above.

I have caused this warrant to be removed from the law enforcement information system identified in this warrant.

Signature \_\_\_\_\_

Title \_\_\_\_\_

USE ~~[NOTE]~~ NOTES

1. If the court checks alternative 2, it must also check alternative 5.
2. A \$100 bench warrant fee is assessed in the magistrate court pursuant to NMSA 1978, Section 35-6-5~~[NMSA 1978]~~. Municipal courts not authorized to assess the bench warrant fee must modify this form accordingly.
- ~~[2.]~~3. The warrant may be executed in “any jurisdiction” only if it is a felony warrant.
4. All magistrate court felony, misdemeanor, and driving while under the influence of intoxicating liquor or drugs warrants must be entered into a law enforcement information system.
- ~~[3.]~~ ~~The warrant may be executed in “any jurisdiction” only if it is a felony warrant.~~
- ~~4.]~~ ~~If the court checks alternative 2, it must also check alternative 1.]~~

[Approved by Supreme Court Order No. 07-8300-034, effective January 22, 2008; as amended by Supreme Court Order No. 13-8300-005, effective for all cases pending or filed on or after May 5, 2013; as amended by Supreme Court Order No. \_\_\_\_\_, effective \_\_\_\_\_.]



New Mexico  
Courts

Terri Saxon <suptls@nmcourts.gov>

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## Rule Proposal Comment Form

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mailservices@sk.com <mailservices@sk.com>  
To: supjdm@nmcourts.gov, suptls@nmcourts.gov

Tue, Oct 16, 2018 at 4:14 PM

Your Name  
MELISSA CHAVARRIA -MEDINA

Phone Number  
5753822500

Email  
melissa.chavarria@state.nm.us

Proposal Number  
2018-040(forms 9-212,9-212a,9-212c NMRA)

Comment  
attached are the comments/notes we are suggesting

Upload  
Warrant revision 2018.docx

SUPREME COURT OF NEW MEXICO  
FILED

OCT 16 2018

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**Warrant revision 2018.docx**  
24K

9-212. Bench warrant.

[For use with District Court [Criminal] Rule 5-209 NMRA]

STATE OF NEW MEXICO

COUNTY OF \_\_\_\_\_

\_\_\_\_\_ JUDICIAL DISTRICT

[No.]

STATE OF NEW MEXICO

v. No. \_\_\_\_\_

\_\_\_\_\_, Defendant.

BENCH WARRANT

THE STATE OF NEW MEXICO TO ANY OFFICER AUTHORIZED TO EXECUTE THIS WARRANT:

YOU ARE HEREBY COMMANDED to arrest \_\_\_\_\_ [and bring (him) (her) forthwith] to appear before this court to answer the following charges:

\*\*\*ADD ORIGINAL CHARGE: IE.. SPEEDING, DRIVING WITH SUSPENDED LICENSE, ETC./

(check appropriate box or boxes)

2

grand jury indictment filed on \_\_\_\_\_ (date) on the following charges:

\_\_\_\_\_

failure to appear at the time and place ordered by this court.

failure to appear as required by a subpoena issued by this court.

failure to appear in accordance with the conditions of release imposed by this court.

conditions of release previously imposed should be revoked or reviewed.

contempt of court.

failure to pay fines or costs previously imposed.

failure to comply with conditions of probation.

other: \_\_\_\_\_

[Bond provisions:]

(check applicable box)

Book and release on own recognizance.

Commented [CMD1]: NCIC entry requires an original charge

- Book and release on unsecured bond set in the amount of \$ \_\_\_\_\_.
- [Bond is] Book and release on secured bond set in the amount of \$ \_\_\_\_\_ (cash bond 10% of bond) (surety) (property bond).
- Book and hold the defendant pending further order of the court.
- Other: \_\_\_\_\_.

\_\_\_\_\_ Judge

Description of defendant:

Name \_\_\_\_\_

Alias \_\_\_\_\_

Date of birth \_\_\_\_\_

Social Security No. \_\_\_\_\_

Address \_\_\_\_\_

Sex (male) (female) Height \_\_\_\_\_ Weight \_\_\_\_\_

Hair color \_\_\_\_\_ Eyes \_\_\_\_\_

Scars, marks and tattoos: \_\_\_\_\_

Vehicle (make, model, year and color, if known): \_\_\_\_\_

Extradition Information:

The State will extradite the defendant from:

(check and complete)

any contiguous state

NATIONWIDE

WITHIN STATE OF NM ONLY

Surrounding States Only

**Commented [CMD2]:** Extradition needs to be clear/concise as it is a required field in NCIC

Prosecuting attorney: \_\_\_\_\_

By: \_\_\_\_\_

Date: \_\_\_\_\_

Originating officer: \_\_\_\_\_

Originating agency: \_\_\_\_\_

RETURN

I arrested the above-named person on the \_\_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_, by taking such person into custody.

\_\_\_\_\_

Signature

\_\_\_\_\_

Title

[As amended, effective January 1, 1996; October 7, 1999; as amended by Supreme Court Order No. \_\_\_\_\_, effective \_\_\_\_\_.]

9-212A. Bench warrant.

[For use with Metropolitan Court Rule 7-207 NMRA]

STATE OF NEW MEXICO

COUNTY OF \_\_\_\_\_

IN THE METROPOLITAN COURT

[No. \_\_\_\_\_]

[STATE OF NEW MEXICO]

[COUNTY OF \_\_\_\_\_]

[CITY OF \_\_\_\_\_]

v. No. \_\_\_\_\_

\_\_\_\_\_, Defendant

DOB: \_\_\_\_\_

Address: \_\_\_\_\_

S.S.# \_\_\_\_\_

**\*\*ADD: HAIR, EYE, WEIGHT, HEIGHT, GENDER\*\***

**Commented [CMD3]:** These are mandatory fields for NCIC entry and must be on the face of the warrant

**BENCH WARRANT**

THE [STATE OF NEW MEXICO] [MUNICIPALITY OF \_\_\_\_\_]

TO ANY OFFICER AUTHORIZED TO EXECUTE THIS WARRANT:

YOU ARE HEREBY COMMANDED to arrest the above-named defendant [and bring the defendant] to appear before this court to answer the following charges checked below unless released as indicated in the return:

*(check applicable box and describe facts below)*

**\*\* ADD ORIGINAL CHARGES, IE.. SPEEDING, DUI, ETC\*\***

**Commented [CMD4]:** NCIC entry requires an original charge

- failure to appear as ordered by this court on \_\_\_\_\_;
- failure to appear as required by a subpoena issued by this court for \_\_\_\_\_;
- failure to appear in accordance with the conditions of release imposed by this court for \_\_\_\_\_;

- conditions of release previously imposed should be revoked or reviewed;
- contempt of court for \_\_\_\_\_;
- failure to pay fines or costs previously imposed by order entered \_\_\_\_\_ (date);
- failure to comply with conditions of probation as set forth in an order entered \_\_\_\_\_ (date);
- failure to appear at first offender program on \_\_\_\_\_;

other \_\_\_\_\_ (set forth any additional essential facts underlying issuance of this warrant).  
(check and complete, if applicable)

**BOND:**

Book and release the defendant on the defendant's own recognizance. The bench warrant fee will be collected on appearance;

OR

Book and release the defendant on unsecured bond set in the amount of \$ \_\_\_\_\_. The bench warrant fee will be collected on appearance;

OR

The defendant failed to appear either on a traffic citation other than a citation issued for a violation listed in Section 66-8-122 or 66-8-125 NMSA 1978 or a citation issued by an official authorized by law and may be released on a plea of guilty and payment of \$ \_\_\_\_\_ plus a \$100 bench warrant fee;

OR

The defendant failed to pay fines and costs and the defendant may be released upon payment of the outstanding fine and court costs in the amount of \$ \_\_\_\_\_ plus a \$100 bench warrant fee;

OR

[The] Book and release the defendant [may be released] on secured bond in the amount of \$ \_\_\_\_\_. The bench warrant fee will be collected on appearance;

OR

Book and hold the defendant pending further order of the court. The bench warrant fee will be collected on appearance;

OR

Other: \_\_\_\_\_

**THIS WARRANT MAY BE EXECUTED:**

- in any jurisdiction;
- anywhere in this state;
- anywhere in this county;
- anywhere in this city.

The clerk of this court shall cause this warrant to be entered into THE NATIONAL CRIME INFORMATION CENTER (NCIC)  
 maintained by the state police.

\_\_\_\_\_ (identify other LAW ENFORCEMENT AGENCY)

Date Judge \_\_\_\_\_

**RETURN**

The defendant was arrested and taken into custody on the \_\_\_\_\_ day of \_\_\_\_\_,

- The defendant was released on bond in the amount set forth above.
- The defendant was released upon receipt of the fine and court costs set forth above.

I have caused this warrant to be removed from the law enforcement information system identified in this warrant.

\_\_\_\_\_  
Signature

**Commented [CMD5]:** The system where warrants are entered is NCIC, it is the same system for all LE agencies

Title

USE [NOTE] NOTES

1. A \$100 bench warrant fee is assessed in the metropolitan court pursuant to NMSA 1978, Section 34-8A-12[ NMSA 1978].

2. All metropolitan court felony misdemeanor and driving while under the influence of intoxicating liquor or drugs warrants must be entered into THE NATIONAL CRIME INFORMATION CENTER (NCIC)

[Effective, January 1, 1993; as amended, effective January 1, 1995; January 1, 1996; July 1, 1999; as amended by Supreme Court Order No. 07-8300-034, effective January 22, 2008; as amended by Supreme Court Order No. \_\_\_\_\_, effective \_\_\_\_\_.]

**9-212C. Bench warrant.**

[For use with Magistrate Court Rule 6-207 NMRA  
and Municipal Court Rule 8-206 NMRA]

STATE OF NEW MEXICO

[COUNTY OF \_\_\_\_\_]

[CITY OF \_\_\_\_\_]

\_\_\_\_\_ COURT

[STATE OF NEW MEXICO]

[COUNTY OF \_\_\_\_\_]

[CITY OF \_\_\_\_\_]

v. No. \_\_\_\_\_

\_\_\_\_\_, Defendant.

DOB: \_\_\_\_\_

Address: \_\_\_\_\_

S.S.#: \_\_\_\_\_

**\*\*ADD EYE, HAIR, WEIGHT, HEIGHT, GENDER \*\***

Charging Police Department \_\_\_\_\_

Charges \_\_\_\_\_

**BENCH WARRANT**

THE (STATE OF NEW MEXICO) (MUNICIPALITY OF \_\_\_\_\_)

TO ANY OFFICER AUTHORIZED TO EXECUTE THIS WARRANT:

YOU ARE HEREBY COMMANDED to arrest the above-named defendant [and bring the defendant] to appear before this court to answer the following charges checked below unless released as indicated in the return:

*(check applicable box and describe facts below)*

failure to appear as ordered by this court on \_\_\_\_\_;

failure to appear as required by a subpoena issued by this court for \_\_\_\_\_;

failure to appear in accordance with the conditions of release imposed by this court for \_\_\_\_\_;

conditions of release previously imposed should be revoked or reviewed;

contempt of court for \_\_\_\_\_;

failure to pay fines or costs previously imposed by order entered \_\_\_\_\_ (date);

failure to comply with conditions of probation as set forth in an order entered \_\_\_\_\_ (date);

failure to appear at first offender program on \_\_\_\_\_;

other \_\_\_\_\_

*(set forth any*

*additional essential facts underlying issuance of this warrant).*

*(check and complete, if applicable)*

1. Book and release the defendant on the defendant's own recognizance. The bench warrant fee will be collected upon appearance.

1. **BOND:** The defendant may be released on bond in the amount of \$\_\_\_\_\_. The bench warrant fee will be collected upon appearance.]

OR

[2. PAYMENT: ]2. The defendant failed to appear either on a traffic citation (other than a citation issued for a violation listed in Section 66-8-122 or 66-8-125 NMSA 1978, or similar municipal ordinance) or a citation issued by an official authorized by law and may be released on a plea of guilty and payment of \$ \_\_\_\_\_, which includes a \$100 bench warrant fee.]

OR

[3. PAYMENT: ]3. The defendant failed to pay fines and costs as ordered by the court and defendant may be released upon payment of the outstanding fine and court costs in the amount of \$ \_\_\_\_\_, which includes a \$100 bench warrant fee[1].

OR

4. Book and release the defendant on unsecured bond set in the amount of \$ \_\_\_\_\_. The bench warrant fee will be collected upon appearance.

OR

5. Book and release the defendant on unsecured bond set in the amount of \$ \_\_\_\_\_. The bench warrant fee will be collected upon appearance.

OR

OR

6. Book and hold the defendant pending further order of the court.

OR

7. Other: \_\_\_\_\_

IT IS HEREBY ORDERED THAT UPON SERVICE OF OR SURRENDER PURSUANT TO THIS WARRANT, DEFENDANT IS TO PAY THE \$100 BENCH WARRANT FEE, as reflected above.[1]

THIS WARRANT MAY BE EXECUTED:

in any jurisdiction;

anywhere in this state;

anywhere in this county;

anywhere in this city

The clerk of this court shall cause this warrant to be entered into a law enforcement information system[2]:

maintained by the state police.

\_\_\_\_\_ (identify other law enforcement information system).

\_\_\_\_\_  
Date Judge

**RETURN**

The defendant was arrested and taken into custody on the \_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_.

The defendant was released on bond in the amount set forth above.

The defendant was released upon receipt of the fine and court costs set forth above.

I have caused this warrant to be removed from THE NATIONAL CRIME INFORMATION CENTER (NCIC)

\_\_\_\_\_  
Signature  
Title

USE [NOTE] NOTES

1. If the court checks alternative 2, it must also check alternative 5.

2. A \$100 bench warrant fee is assessed in the magistrate court pursuant to NMSA 1978, Section 35-6-5[ NMSA 1978]. Municipal courts not authorized to assess the bench warrant fee must modify this form accordingly.

[2.]3. The warrant may be executed in "any jurisdiction" only if it is a felony warrant.

4. All magistrate court felony, misdemeanor, and driving while under the influence of intoxicating liquor or drugs warrants must be entered into THE NATIONAL CRIME INFORMATION CENTER(NCIC)

[3. The warrant may be executed in "any jurisdiction" only if it is a felony warrant.

4. If the court checks alternative 2, it must also check alternative 1.]

[Approved by Supreme Court Order No. 07-8300-034, effective January 22, 2008; as amended by Supreme Court Order No. 13-8300-005, effective for all cases pending or filed on or after May 5, 2013; as amended by Supreme Court Order No. \_\_\_\_\_, effective \_\_\_\_\_.]



New Mexico  
Courts

Terri Saxon <suptls@nmcourts.gov>

### Rule Proposal Comment Form

1 message

mailservices@sks.com <mailservices@sks.com>

Wed, Oct 31, 2018 at 11:19 AM

To: supjdm@nmcourts.gov, suptls@nmcourts.gov

Your Name  
Steven o. Lee

Phone Number  
5754394255

Email  
judgestevenolee@yahoo.com

Proposal Number  
rule 8-408, rule 9-212C

**Comment**

Rule 4-408(A). It appears that where there is not designee the Judge would be subject to the same requirements as the designee. The Judge can, however act as a Judge if exceptional circumstances exist. Since the probable cause hearing must be held within 48 hrs this would force the Judge to also conduct the bond hearing within the time frame. Probable cause hearings can be done without the presence of the defendant. The bond hearing requires that the defendant be present. This may require a Judge to travel to the court to conduct a video appearance or if no video is available the the Judge may have to travel to the jail which may not be in same county. If the Judge is going to be face to face with the defendant the they probably should do the arraignment while they are at it. Change it to 48 hrs also. Form Change 9-212(C). Number 4 and 5 say the same thing. in the commentary it states that if you select # 2 then have to select # 5 also. This should be for "penalty assessments" only.

Upload

SUPREME COURT OF NEW MEXICO  
RECEIVED

OCT 31 2018

NOV 28 2018

PROPOSAL 2018-040

Please clarify the changes to Form 9-212C as follows:



The language is the same on item 4 & 5:

4. Book and release the defendant on unsecured bond set in the amount of \$\_\_\_\_\_. The bench warrant fee will be collected upon appearance.

OR

5. Book and release the defendant on unsecured bond set in the amount of \$\_\_\_\_\_. The bench warrant fee will be collected upon appearance

I suspect item 5 should read:

Book and release the defendant [may be released] on secured bond in the amount of \$\_\_\_\_\_. The bench warrant fee will be collected on appearance;

Thank you for the opportunity to review this important Form change,

Karen Mitchell  
Harding County Magistrate Judge