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

OR

[ ] **2. PAYMENT:** 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[1].

OR

[ ] **3. PAYMENT:** 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].

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 law enforcement information system identified in this warrant.

_____

Signature

_____

Title

USE NOTE

      1.   A $100 bench warrant fee is assessed in the magistrate court pursuant to Section 35-6-5 NMSA 1978. Municipal courts not authorized to assess the bench warrant fee must modify this form accordingly.
      2.   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 07-8300-34, 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.]