1   **9-212C. Bench warrant.**
2
3   [For use with [~~Magistrate Court Rule~~] Rules 6-207 [~~NMRA~~
4   ~~and Municipal Court Rule~~] and 8-206 NMRA]
5
6   STATE OF NEW MEXICO
7   [COUNTY OF _____]
8   [CITY OF _____]
9   _____ COURT
10
11 [STATE OF NEW MEXICO]
12 [COUNTY OF _____]
13 [CITY OF _____]
14
15 v.   No. _____
16
17 _____, Defendant.
18 DOB: _____
19 Address: _____
20 S.S.#:   _____
21 Charging Police Department _____
22 Charges   _____
23
24
25   **BENCH WARRANT**
26
27 THE (STATE OF NEW MEXICO) (MUNICIPALITY OF _____)
28
29 TO ANY OFFICER AUTHORIZED TO EXECUTE THIS WARRANT:
30
31 YOU ARE HEREBY COMMANDED to arrest the above-named defendant and bring the
32 defendant before this court to answer the following charges checked below unless released as
33 indicated in the return:
34
35 (*check applicable box and describe facts below*)
36
37 [ ]   failure to appear as ordered by this court on _____;
38
39 [ ]   failure to appear as required by a subpoena issued by this court for
40 _____;
41
42 [ ]   failure to appear in accordance with the conditions of release imposed by this court for
43 _____;
44
45 [ ]   conditions of release previously imposed should be revoked or reviewed;
46

1   [ ]   contempt of court for _____ ;
2
3   [ ]   failure to pay fines or costs previously imposed by order entered _____
4   (*date*);
5
6   [ ]   failure to comply with conditions of probation as set forth in an order entered
7   _____ (*date*);
8
9   [ ]   failure to appear at first offender program on _____ ;
10
11 [ ]   other _____
12   _____
13   (*set forth any additional essential facts underlying issuance of this warrant*).
14
15 (*check and complete, if applicable*)
16
17 [ ]   **1. BOND:** The defendant may be released on **bond** in the amount of $_____ . [~~The~~
18 ~~bench warrant fee will be collected upon appearance.~~]
19
20 OR
21
22 [ ]   **2. PAYMENT:** The defendant failed to appear either on a traffic citation (*other than a*
23 *citation issued for a violation listed in* [~~*Section*~~] *NMSA 1978, Sections 66-8-122 or 66-8-*
24 *125* [~~*NMSA 1978*~~]*, or similar municipal ordinance*) or a citation issued by an official authorized
25 by law and may be released on a plea of guilty and **payment** of $_____[~~, which includes a~~
26 ~~$100 bench warrant fee[1]~~].[1]
27
28 OR
29
30 [ ]   **3. PAYMENT:** The defendant failed to pay fines and costs as ordered by the court and
31 defendant may be released upon **payment** of the outstanding fine and court costs in the amount of
32 $_____[~~, which includes a $100 bench warrant fee[1]~~].
33
34 [~~IT IS HEREBY ORDERED THAT UPON SERVICE OF OR SURRENDER PURSUANT TO~~
35 ~~THIS WARRANT, DEFENDANT IS TO PAY THE $100 BENCH WARRANT FEE, as reflected~~
36 ~~above.[1]~~]
37
38 **THIS WARRANT MAY BE EXECUTED:**
39
40 [ ]   in any jurisdiction;[2]
41
42 [ ]   anywhere in this state;
43
44 [ ]   anywhere in this county;
45
46 [ ]   anywhere in this city.

The clerk of this court shall cause this warrant to be entered into a law enforcement information system[2]3:

[ ]   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 NOTES

1.   If the court checks alternative 2, it must also check alternative 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.   The warrant may be executed in "any jurisdiction" only if it is a felony warrant.

[2.] 3. 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.]

1
2   [Approved by Supreme Court Order No. 07-8300-034, effective January 22, 2008; as amended by
3   Supreme Court Order No. 13-8300-005, effective for all cases pending or filed on or after May 5,
4   2013; as amended by Supreme Court Order No. S-1-RCR-2023-00038, effective for all cases
5   pending or filed on or after October 9, 2025.]