9-303. Order setting conditions of release.

[For use with District Court Rule 5-401 NMRA,
Magistrate Court Rule 6-401 NMRA,
Metropolitan Court Rule 7-401 NMRA, and
Municipal Court Rule 8-401 NMRA]

STATE OF NEW MEXICO
[COUNTY OF _____]
[CITY OF _____]
_____ COURT

STATE OF NEW MEXICO
[COUNTY OF _____]
[CITY OF _____]
v. No. _____
_____, Defendant.
DOB: _____ SSN: _____

ORDER SETTING CONDITIONS OF RELEASE

Release on recognizance or unsecured bond:
It is ordered that the defendant be released from custody on:
(*check and complete applicable alternatives*)
[ ] Personal recognizance.
[ ] Unsecured appearance bond of $_____.
[ ] Third-party custody release to: _____ (individual or organization).

I/We agree to supervise the defendant; to use every effort to assure the defendant's appearance at all scheduled hearings; and to notify the court immediately if the defendant violates any conditions of release.

_____ _____
Signature of Custodian Address (city/zip) Area Code/Telephone #

Defendant's conditions of release:
The court **FINDS** that the following conditions of release are the least restrictive conditions necessary to reasonably assure the appearance of the defendant as required and the safety of any other person and the community. The defendant shall not violate any federal, state, or local criminal law and shall:
(*complete and check only applicable conditions before signature by defendant*)
[ ] not possess firearms or dangerous weapons;
[ ] not return to the location of the alleged incident;
[ ] not consume alcohol;

[ ] not consume cannabis, cannabis products, or synthetic cannabinoids without a certification from a licensed medical practitioner;
[ ] not buy, sell, consume, or possess illegal drugs;
[ ] notify the court of any change of address;
[ ] not leave the (county of _____) (State of _____) without prior permission of the court;
[ ] maintain contact with the defendant's attorney/seek and consult with an attorney;
[ ] avoid all contact with the alleged victim or anyone who may testify in this case;
[ ] have an ignition interlock device installed on any vehicle the defendant may drive; ([ ] camera capable ignition interlock device);
[ ] be on pretrial supervision and abide by all conditions set by the court and by pretrial services;
[ ] reside at _____ (*address*) unless otherwise agreed to by the court;
[ ] submit to drug or alcohol testing on the request of _____;
[ ] not leave the defendant's residence between the hours of _____ p.m. and _____ a.m. without prior permission of the court;
[ ] maintain employment, or, if unemployed, actively seek employment;
[ ] maintain or commence an educational program;
[ ] (*other conditions*) _____

Release on secured bond:

[ ] The court **FINDS** that release on non-monetary conditions will not reasonably assure the appearance of the defendant. In making this determination, the court finds the following particularized factors require imposition of a secured bond in the amount set forth below:

_____
_____
_____
_____
_____
_____
_____
_____
_____
_____

Secured bond of $_____, secured by (*check only one*):

[ ] cash at ten percent (10%) of total bond.
[ ] real property bond executed on Form 9-304 NMRA.
[ ] either one hundred percent (100%) cash or a surety bond executed on Form 9-304 NMRA.

Defendant's acceptance of conditions and promise to appear:

I understand the above conditions of release and agree to them.
I understand that the court may have me arrested at any time, without notice, to review and reconsider these conditions.
I understand that my conditions of release may be revoked and I may be charged with a separate criminal offense if I intimidate or threaten a witness, the victim, or an informant, or if I otherwise obstruct justice.

I further understand that my conditions of release may be revoked if I violate a federal, state, or local criminal law.

I agree to appear before the court on _____, at _____ (a.m.) (p.m.) located at _____ and at any other times and places required in this case by any court.

I understand, that if I fail to appear as required, my bond, if any, may be forfeited, and I may be prosecuted and sent to [jail] [the penitentiary] for the separate offense of failure to appear. I agree to comply fully with each of the conditions imposed on my release and to notify the court promptly if I change the address indicated below.

_____ _____
Defendant's signature Date of signature

_____ _____
Date of release Time of release

_____ _____
Cell phone number Alternate phone number

_____
Email address

_____
Mailing address (*include city, state, and zip code*)

_____
Physical address (*include city, state, and zip code*)

Judicial approval of conditions: **Completed by Detention Center:**

_____ _____
Judge's signature Date and time of release

_____
Detention Officer

USE NOTES
(**Do not print use notes on pre-printed forms**)

1. This form was revised in 2017 in conjunction with amendments to Rules 5-401, 6-401, 7-401, and 8-401 NMRA. These rules require the court to file written findings of the individualized facts justifying any secured bond as soon as possible, but no later than two (2) days after the conclusion of the pretrial release hearing. Judges are encouraged to enter their written findings on this order at the conclusion of the hearing. If more detailed findings are necessary, the

judge should make any supplemental findings in a separate document within two (2) days of the conclusion of the hearing.

2. If a surety provides bond for the defendant, Form 9-304 NMRA must also be completed. If a third-party custodian is named, the third-party custodian agreement must also be completed and signed.

3. When the court finds that the defendant has violated their conditions of release under Rules 5-403, 6-403, 7-403, or 8-403 NMRA, the court has broad discretion to address the underlying violation when modifying the defendant's conditions of release. This includes the ability to temporarily hold the defendant in custody pending the defendant's completion of a treatment program, the creation of a release plan, or any other orders of the court.

[Approved, effective September 1, 1990; as amended by Supreme Court Order 07-8300-29, effective December 10, 2007; as amended by Supreme Court Order No. 17-8300-005, effective for all cases pending or filed on or after July 1, 2017; as amended by Supreme Court Order No. 22-8300-015, effective for all cases pending or filed on or after December 31, 2022; as amended by Supreme Court Order No. S-1-RCR-2026-00220, effective for all cases pending or filed on or after December 31, 2026.]