

1 **8-205. Arrest warrants.**

2 A. **To whom directed.** Whenever a warrant is issued in an action, including by any  
3 method authorized by ~~[Paragraph G of]~~ Rule 8-207(G) NMRA, it shall be directed to a municipal  
4 police officer, a full-time salaried state or county law enforcement officer, a campus ~~[security]~~  
5 police officer, or an Indian tribal or pueblo law enforcement officer. The person obtaining the  
6 warrant shall cause it to be entered into a law enforcement information system. A copy of the  
7 warrant shall be docketed in the case file. Upon arrest, the defendant shall be brought before the  
8 court without unnecessary delay.

9 B. **Arrest.** The warrant shall be executed by the arrest of the defendant. If the warrant  
10 is in the possession of the arresting officer at the time of the arrest, a copy shall be served on the  
11 defendant upon arrest. If the warrant is not in the officer's possession at the time of arrest, the  
12 officer shall inform the defendant of the offense and of the fact that a warrant has been issued and  
13 shall serve the warrant on the defendant as soon as practicable.

14 C. **Return.** The arresting officer shall make a return of the warrant, or any duplicate  
15 original, to the court ~~[which issued]~~ as captioned on the warrant and notify immediately all law  
16 enforcement agencies previously advised of the issuance of the warrant for arrest that the defendant  
17 has been arrested. The return shall be docketed in the case file.

18 D. **Duty to remove warrant.** If the warrant has been entered into a law enforcement  
19 information system, upon arrest of the defendant, the person executing the warrant shall cause it  
20 to be removed from the system. If the court withdraws the warrant, the court shall cause the warrant  
21 to be removed from the warrant information system.

22 [As amended, effective July 1, 1999; March 1, 2000; as amended by Supreme Court Order No. 13-  
23 8300-011, effective for all cases pending or filed on or after July 15, 2013; as amended by Supreme

1 Court Order No. 20-8300-008, effective for all cases pending or filed on or after December 31,  
2 2020.]

3 **Committee commentary.** — Paragraph A was amended in 2013 to permit alternate  
4 methods for requesting and issuing arrest warrants. *See* Rule 8-207 NMRA and the related  
5 committee commentary for more information.

6 [Adopted by Supreme Court Order No. 13-8300-011, effective for all cases pending or filed on or  
7 after July 15, 2013.]