

1 HOUSE BILL 508

2 **53RD LEGISLATURE - STATE OF NEW MEXICO - FIRST SESSION, 2017**

3 INTRODUCED BY

4 Debbie A. Rodella and Patricio Ruiloba
5 and Richard C. Martinez
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10 AN ACT

11 RELATING TO CRIMINAL PROCEDURE; DEFINING SUFFICIENT SURETY FOR
12 BAIL BONDS.
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14 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF NEW MEXICO:

15 SECTION 1. Section 31-3-5 NMSA 1978 (being Laws 1973,
16 Chapter 73, Section 5) is amended to read:

17 "31-3-5. APPROVAL OF BOND.--

18 A. No bond shall be accepted from a paid surety, as
19 defined in Section [~~41-3-4 NMSA 1953~~] 31-3-4 NMSA 1978 by a
20 magistrate court or a district court unless:

21 (1) executed on a form [~~which~~] that has been
22 approved by the supreme court; and

23 (2) backed by sufficient surety.

24 B. For the purposes of this section, sufficient
25 surety shall be the full amount of the bond utilizing cash,

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1 property or surety, as determined by the defendant. However,
2 the court may specify the means by which the bond will be
3 secured if the court makes a specific finding on the record
4 with sufficient factual findings that it is necessary to effect
5 the purposes for which the bond was set to require the
6 defendant to secure the entire amount of the bond using a
7 particular method. Sufficient surety shall not include an
8 unsecured promise to pay all or part of a bond upon forfeiture
9 of that bond."

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