

A. NEW MEXICO STATUTES 1978, ANNOTATED CHAPTER 31. Criminal

Procedure ARTICLE 3. Bail 31-3-3

Surrender of principal by surety.

- When a surety desires to be discharged from the obligation of its bail bond, the surety may arrest the accused and deliver him to the sheriff of the county in which the action against the accused is pending.
- The surety shall, at the time of surrendering the accused, deliver to the sheriff a certified copy of the order admitting the accused to bail and a certified copy of the bail bond. Delivery of these documents shall be sufficient authority for the sheriff to receive and retain the accused until he is otherwise bailed or discharged.
- Upon the delivery of the accused as provided in this section, the surety may apply to the court for an order discharging him from liability as surety; and upon satisfactory proof being made that this section has been complied with, the court shall enter an order discharging the surety from liability.
- This section shall not apply to a paid surety as defined by Section 31- 3-4 NMSA 1978.

*31-3-4 Paid sureties.*

- A "paid surety" is a surety that has taken money, property or other consideration to act as a surety for the accused.
- When a paid surety desires to be discharged from the obligation of its bond, it may arrest the accused and deliver him to the sheriff of the county in which the action against the accused is pending.
- The paid surety shall, at the time of surrendering the accused, deliver to the sheriff a certified copy of the order admitting the accused to bail and a certified copy of the bail bond. Delivery of these documents shall be sufficient authority for the sheriff to receive and retain the accused until he may be brought before the court.
- A paid surety may be released from the obligation of its bond only by an order of the court.
- The court shall order the discharge of a paid surety if:

1. There has been a final disposition of all charges against the accused;
2. The accused is dead;
3. Circumstances have arisen which the surety could not have foreseen at the time it became a paid surety for the accused; or
4. The contractual agreement between the surety, the principal and the state has terminated.