

. NEW MEXICO STATUTES 1978, ANNOTATED CHAPTER 31. Criminal Procedure ARTICLE 3. Bail 31-3-2

- Failure to appear; forfeiture of bail bonds.
- When a judgment has been rendered against the defendant or surety for the whole or part of the penalty of a forfeited recognizance, the court rendering such judgment shall remit the amount thereof when, after such rendition, the accused has been arrested and surrendered to the proper court to be tried on such charge or to answer the judgment of the court, provided that the apprehension of the accused in some way was aided by the surety's efforts or by information supplied by the surety.
- The court may direct that a forfeiture be set aside, upon such conditions as the court may impose, if it appears that justice does not require the enforcement of the forfeiture.

B. MICHIE'S NEW MEXICO STATUTES ANNOTATED Rules of Criminal Procedure for the District Courts ARTICLE 4 Release Provisions RULE 5-406.

Bail bonds; exoneration; forfeiture.

- Setting aside forfeiture. The court may direct that a forfeiture be set aside in whole or in part upon a showing of good cause why the defendant did not appear as required by the bond or if the defendant is surrendered by the surety into custody prior to the entry of a judgment of default on the bond. Notwithstanding any provision of law, no other refund of the bail bond shall be allowed.

C. State v. Amador, 98 N.M. 270, 648 P.2d 309 (1982).

- Court's discretion in ordering forfeiture. — The court must exercise its discretion in determining whether to order forfeiture of the entire amount of the bond.