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FISCAL IMPACT REPORT

SPONSOR: Garcia DATE TYPED: 01/28/03 HB 175

SHORT TITLE: Prohibit Paid Surety Arrest SB _____

ANALYST: Fox-Young

APPROPRIATION

Appropriation Contained		Estimated Additional Impact		Recurring or Non-Rec	Fund Affected
FY03	FY04	FY03	FY04		
			NFI		

(Parenthesis () Indicate Expenditure Decreases)

SOURCES OF INFORMATION

Responses Received From
Attorney General (AG)

No Response
Administrative Office of the District Attorneys (AODA)
Administrative Office of the Courts (AOC)

SUMMARY

Synopsis of Bill

House Bill 175 makes it a crime for a paid surety to arrest an accused that has not been charged with a felony. The bill amends NMSA 1978, Section 31-3-4(B) to provide that an accused must be charged with a felony before a paid surety may arrest the accused and deliver him or her to the sheriff in order to discharge the surety's bond obligation. Whoever commits illegal arrest by a paid surety is guilty of a fourth degree felony.

A paid surety is defined as "(1) a person that has taken money, property or other consideration by or on behalf of a person charged with a crime in order to enter into a bail bond obligation benefiting that person; or (2) an agent of a paid surety described in Paragraph (1)"

JCF/prr