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HOUSE BILL 313

51ST LEGISLATURE - STATE OF NEW MEXICO - FIRST SESSION, 2013

INTRODUCED BY

James E. Smith

AN ACT

RELATING TO BAIL BONDSMEN; ENACTING A NEW SECTION OF THE BAIL
BONDSMEN LICENSING LAW TO PROVIDE FOR QUALIFICATIONS FOR
FUGITIVE RECOVERY AGENTS.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF NEW MEXICO:

SECTION 1. A new section of the Bail Bondsmen Licensing
Law is enacted to read:

"[NEW MATERIAL] FUGITIVE RECOVERY AGENT--QUALIFICATIONS.--

A. A bail bondsman licensed pursuant to the Bail
Bondsmen Licensing Law may, in addition to performing all
fugitive recovery duties, retain in writing the services of a
fugitive recovery agent to investigate, locate, arrest and hold
a fugitive under necessary surveillance. The fugitive recovery
agent shall surrender the fugitive to the appropriate
authorities and, upon return of the fugitive to custody, the

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1 bail bond shall be reinstated and discharged pursuant to
2 Section 31-3-4 NMSA 1978. The bail bondsman shall be
3 responsible for compliance with the requirements of this
4 section.

5 B. A fugitive recovery agent shall:

6 (1) be knowledgeable of state and local laws
7 and rules applicable to fugitive recovery;

8 (2) develop a strategy, approved by the bail
9 bondsman, for recovering the fugitive;

10 (3) be twenty-one years or older;

11 (4) have a high school diploma or general
12 educational development certificate;

13 (5) have attended and completed a fugitive
14 recovery training course;

15 (6) ensure that a warrant is active before the
16 recovery procedure starts;

17 (7) wear clothing identifying the agent as a
18 fugitive recovery agent and provide identification when contact
19 with the fugitive is made; and

20 (8) notify local law enforcement before
21 proceeding with the recovery.

22 C. A fugitive recovery agent shall not:

23 (1) forcibly enter the home of a third party
24 without the consent of a person at the home who is over
25 eighteen years of age;

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- (2) use a firearm during the recovery procedure;
- (3) intentionally damage property at any location;
- (4) intentionally injure a person during the recovery of a fugitive; or
- (5) have been convicted of a felony."