

**POLICY DIRECTIVE NO. 1 (Reissued June 1993)**

**POLICY RELATING TO ACCEPTANCE OF PERSONAL CHECKS,  
RECEIPTING OF MONIES NOT READILY IDENTIFIABLE,  
AND THE RECEIPTING OF BAIL**

This policy is issued in accordance with NMSA 1978, Section 35-7-1 to provide guidelines and directions regarding acceptance of personal checks for the payment of court costs and fines and the posting of bail.

**Personal Checks**

Magistrates may exercise their discretion when accepting personal checks for the payment of costs and fines, giving careful consideration to their knowledge of the payer.

**Monies Not Readily Identifiable**

Any money received in the mail, which is not readily identifiable (as to defendant or docket number), must be receipted and deposited in the regular course of business. The "other" category must be checked on the receipt form and a short explanatory note must be sent with the deposit ticket to the accounting staff of the Administrative Office of the Courts (AOC). The accounting staff will need all available information pertaining to the money that cannot be identified (social security number, address, telephone number, etc.). If possible, provide the accounting staff with a photocopy of the check or money order. When the payment is identified, the accounting staff must be notified and the proper accounts credited. If the payment is identified during the same month as receipted, the clerk will make an accounting entry to distribute properly the monies received. At the end of the month, magistrate courts must issue a check to the suspense fund for money that cannot be identified. If at a later date money deposited in the suspense fund is identified, the court will have to write a letter to the AOC accounting staff requesting that a state warrant be generated and sent to the court. The warrant will be sent to the court for deposit into the Trust Account. If the money does not belong to the court, the magistrate will issue a check to the proper individual or agency.

Money received in the mail, which is owed to the court but is payable to an agency other than the magistrate court, may either be sent back to the defendant (accompanied by a letter requesting the defendant to issue a new check to the magistrate court), or be sent to the payee agency with a request to make the check payable to the court.

If the defendant pays monies owed the magistrate court to another agency, the court should contact the agency and request that the agency transfer to the court those monies owed. The court should also process all paperwork necessary to finalize the pending case.

### **Bail**

All bail accepted by the magistrate court shall be payable in American currency, or by cashier's check, certified check, money order, or surety bond only. No personal or company checks, or foreign checks or currency are to be accepted.

All magistrate courts shall review the Cash Bond Record distributed by the AOC accounting staff on a monthly basis to ensure that appropriate action has been taken on each bond posted and that bonds are removed from the Cash Bond Record when six months have elapsed.

All unclaimed cash bonds shall be remitted to the AOC for deposit in the Magistrate Suspense Fund in accordance with Section 8.11-7 of the Magistrate Court Administrative Procedures Manual. (See Administrative Procedures Manual for processing instructions.

This policy applies to all magistrate courts.