

9-616. Conditional discharge order.

[For use with Magistrate Court Rule 6-701 NMRA and Municipal Court Rule 8-701 NMRA]

STATE OF NEW MEXICO
[COUNTY OF _____]
[CITY OF _____]
_____ COURT

[STATE OF NEW MEXICO]
[COUNTY OF _____]
[CITY OF _____]

v. _____ No. _____

_____, Defendant.

CONDITIONAL DISCHARGE ORDER

This matter came before the court

upon the court's acceptance of defendant's plea¹ of guilty or no contest,
OR

pursuant to a finding of guilt by a judge or jury²,
to the following charges:

—

—
It appearing that good cause exists for the entry of a conditional discharge, the court hereby orders a conditional discharge without entering an adjudication of guilt as to the above charges. The court further orders that defendant shall be placed on _____ months supervised unsupervised probation pursuant to Sections 31-20-13 and 31-20-5 NMSA 1978 or Section 30-31-28 NMSA 1978.³

(OPTIONAL)

Probation costs of _____ per day shall be assessed. In addition, pursuant to Section 31-20-6 NMSA 1978, the defendant shall make a _____ contribution of not less than ten dollars (\$10.00) and not more than one hundred dollars (\$100.00), to be paid in monthly installments of not less than five dollars (\$5.00), to a local crime stopper program, a local domestic violence prevention or treatment program or a local drug abuse resistance education program that operates in the territorial jurisdiction of the court no later than _____ (month/day/year) and shall provide proof to this court.

Conditions of probation are as follows: _____

—
—
If the defendant successfully completes probation, the defendant shall be discharged and the charges shall be dismissed.

Judge

USE NOTES

1. No plea shall be accepted unless the court has complied with the requirements of Rules 6-502 and 8-502 NMRA, and Form 9-406A NMRA.
2. Municipal court jurisdiction to grant conditional discharges is governed by municipal ordinance. Municipal courts do not have jurisdiction to hold jury trials.
3. The court shall designate whether the conditional discharge is pursuant to Sections 31-20-13 and 31-20-5 NMSA 1978, or Section 30-31-28 NMSA 1978.
4. No conditional discharge may be given for the offense of DWI, in any court. See Subsection C of Section 31-20-13 NMSA 1978.
5. A defendant may only use a conditional discharge once in his or her lifetime. See Subsection A of Section 31-20-13 NMSA 1978.
6. Court costs shall not be collected on conditional discharges. See Subsection D of Section 35-6-1 NMSA 1978.

[As adopted by Supreme Court Order No. 09-8300-037, effective November 16, 2009.]