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**SUBSTITUTE HOUSE BILL 1829**

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**State of Washington**

**69th Legislature**

**2025 Regular Session**

**By** House Community Safety (originally sponsored by Representatives Lekanoff, Goodman, and Pollet)

READ FIRST TIME 02/21/25.

1 AN ACT Relating to tribal warrants; amending RCW 10.32.070,  
2 9A.72.010, 10.32.010, 10.32.130, 10.32.090, and 10.32.100; and adding  
3 new sections to chapter 10.32 RCW.

4 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF WASHINGTON:

5 **Sec. 1.** RCW 10.32.070 and 2024 c 207 s 8 are each amended to  
6 read as follows:

7 (1) Subject to the provisions of RCW 10.32.050, a place of  
8 detention shall deliver or make available a person in custody to the  
9 noncertified tribe without a judicial order of surrender provided  
10 that:

11 ~~((1))~~ (a) Such person is alleged to have broken the terms of  
12 his or her probation, parole, bail, or any other release of the  
13 noncertified tribe; and

14 ~~((2))~~ (b) The place of detention has received from the  
15 noncertified tribe an authenticated copy of a prior waiver of  
16 extradition signed by such person as a term of his or her probation,  
17 parole, bail, or any other release of the noncertified tribe and  
18 photographs or fingerprints or other evidence properly identifying  
19 the person as the person who signed the waiver.

20 (2) As used in this section, "authenticated copy" means a copy of  
21 a prior waiver of extradition signed by an authorized representative

1 of the tribal court attesting the document is a true record of the  
2 tribal court waiver of extradition.

3 NEW SECTION. **Sec. 2.** A new section is added to chapter 10.32  
4 RCW to read as follows:

5 The certified or noncertified tribe demanding the extradition of  
6 a tribal fugitive pursuant to this chapter shall have standing in any  
7 hearing in state court testing the legality of the extradition.

8 NEW SECTION. **Sec. 3.** A new section is added to chapter 10.32  
9 RCW to read as follows:

10 (1) Upon issuing a tribal warrant, the court of a certified tribe  
11 may file such warrant with the superior court of the county in which  
12 the certified tribe is physically located. Any tribal warrant so  
13 filed shall be enforced by the court and peace officers of this state  
14 as if it were an arrest warrant of the state if it is accompanied by:

15 (a) A certified copy of the charging document;  
16 (b) The tribal code provision, constitutional provision, or  
17 federal statute authorizing the certified tribe to exercise criminal  
18 jurisdiction over the tribal fugitive for whom the tribal warrant has  
19 been issued; and

20 (c) A photograph, fingerprints, and other identifying information  
21 for the tribal fugitive.

22 (2) If the superior court makes a finding of probable cause that  
23 a tribal fugitive subject to a filed tribal warrant has been charged  
24 with a crime by the filing certified tribe, the court must order the  
25 issuance of a state warrant of arrest for such tribal fugitive from  
26 justice under section 4 of this act, which shall expire six months  
27 after issuance, unless withdrawn earlier under subsection (4) of this  
28 section.

29 (3) Any judicial proceedings involving a tribal fugitive subject  
30 to a tribal warrant filed under this section must occur in the county  
31 where the tribal fugitive is first detained.

32 (4) A tribal warrant filed under this section must be withdrawn  
33 once the person who is the subject of the tribal warrant has  
34 submitted to the certified tribe's tribal court jurisdiction or been  
35 arrested.

36 NEW SECTION. **Sec. 4.** A new section is added to chapter 10.32  
37 RCW to read as follows:

1 Whenever any person within this state shall be charged on the  
2 oath of any credible person before any judge or magistrate of this  
3 state with the commission of any crime by any federally recognized  
4 tribe with territory located within the borders of the state of  
5 Washington and with having fled from justice, or with having been  
6 convicted of a crime by any federally recognized tribe with territory  
7 located in the state of Washington and having escaped from  
8 confinement, or having broken the terms of such person's bail,  
9 probation, or parole, or whenever complaint shall have been made  
10 before any judge or magistrate in this state setting forth on the  
11 affidavit of any credible person of a federally recognized tribe with  
12 territory within this state that a crime has been committed for which  
13 the tribe has criminal jurisdiction and that the accused has been  
14 charged by such tribe with the commission of the crime, and has fled  
15 from justice, or with having been convicted of a crime in that  
16 tribe's courts and having escaped from confinement, or having broken  
17 the terms of such person's bail, probation, or parole and is believed  
18 to be in this state, the judge or magistrate shall issue a warrant  
19 directed to any peace officer commanding such officer to apprehend  
20 the person named therein, wherever such person may be found in this  
21 state, and to bring such person before the same or any other judge,  
22 magistrate, or court who or which may be available in or convenient  
23 of access to the place where the arrest may be made, to answer the  
24 charge or complaint and affidavit, and a certified copy of the sworn  
25 charge or complaint and affidavit upon which the warrant is issued  
26 shall be attached to the warrant.

27 **Sec. 5.** RCW 9A.72.010 and 2019 c 232 s 10 are each amended to  
28 read as follows:

29 The following definitions are applicable in this chapter unless  
30 the context otherwise requires:

31 (1) "Materially false statement" means any false statement oral  
32 or written, regardless of its admissibility under the rules of  
33 evidence, which could have affected the course or outcome of the  
34 proceeding;

35 (2) "Oath" includes an affirmation and every other mode  
36 authorized by law of attesting to the truth of that which is stated;  
37 in this chapter, written statements shall be treated as if made under  
38 oath if:

1 (a) The statement was made on or pursuant to instructions on an  
2 official form bearing notice, authorized by law, to the effect that  
3 false statements made therein are punishable;

4 (b) The statement recites that it was made under oath, the  
5 declarant was aware of such recitation at the time he or she made the  
6 statement, intended that the statement should be represented as a  
7 sworn statement, and the statement was in fact so represented by its  
8 delivery or utterance with the signed jurat of an officer authorized  
9 to administer oaths appended thereto; or

10 (c) It is a statement, declaration, verification, or certificate,  
11 made within or outside the state of Washington, which is declared to  
12 be true under penalty of perjury as provided in chapter 5.50 RCW or  
13 under the code of any federally recognized tribe.

14 (3) An oath is "required or authorized by law" when the use of  
15 the oath is specifically provided for by statute or regulatory  
16 provision or when the oath is administered by a person authorized by  
17 state, a federally recognized tribe, or federal law to administer  
18 oaths;

19 (4) "Official proceeding" means a proceeding heard before any  
20 state, federally recognized tribal, or federal legislative, judicial,  
21 administrative, or other government agency or official authorized to  
22 hear evidence under oath, including any tribal court, referee,  
23 hearing examiner, commissioner, notary, or other person taking  
24 testimony or depositions;

25 (5) "Juror" means any person who is a member of any jury,  
26 including a grand jury, impaneled by any court of this state, or  
27 tribal court, or by any public servant authorized by law to impanel a  
28 jury; the term juror also includes any person who has been drawn or  
29 summoned to attend as a prospective juror;

30 (6) "Testimony" includes oral or written statements, documents,  
31 or any other material that may be offered by a witness in an official  
32 proceeding;

33 (7) "Tribal" means a federally recognized Indian tribe as defined  
34 by 25 U.S.C. Sec. 1301;

35 (8) "Tribal court" means an Indian court as defined by 25 U.S.C.  
36 Sec. 1301;

37 (9) "Tribal law" means the Constitution, codes, ordinance,  
38 regulations, case law, and customary law of a federally recognized  
39 tribe.

1       **Sec. 6.** RCW 10.32.010 and 2024 c 207 s 2 are each amended to  
2 read as follows:

3       The definitions in this section apply throughout this chapter  
4 unless the context clearly requires otherwise.

5       (1) "Noncertified tribe" means a federally recognized tribe  
6 located within the borders of the state of Washington that is  
7 requesting that a tribal fugitive be surrendered to the duly  
8 authorized agent of the tribe, but has not received approval to  
9 exercise jurisdiction under the tribal law and order act of 2010,  
10 section 234, codified at 25 U.S.C. Sec. 1302, and which has agreed by  
11 treaty or practice not to shelter or conceal offenders against the  
12 laws of the state of Washington but to deliver them up to state  
13 authorities for prosecution.

14       (2) "Certified tribe" means a federally recognized tribe located  
15 within the borders of the state of Washington that (a) may impose a  
16 term of imprisonment of greater than one year, or a fine greater than  
17 \$5,000, or both, pursuant to the tribal law and order act of 2010,  
18 section 234, codified at 25 U.S.C. Sec. 1302; and (b) has agreed not  
19 to shelter or conceal offenders against the laws of the state of  
20 Washington but to deliver them up to state authorities for  
21 prosecution.

22       (3) "Peace officer" has the same meaning as in RCW 10.93.020(4).

23       (4) "Place of detention" means a jail as defined in RCW  
24 70.48.020, a correctional facility as defined in RCW 72.09.015, and  
25 any similar adult facility contracted by a city or county.

26       (5) "Tribal court judge" includes every judicial officer  
27 authorized alone or with others, to hold or preside over the criminal  
28 court of a certified tribe or noncertified tribe.

29       (6) "Tribal fugitive" or "fugitive" means any person who is  
30 subject to tribal court criminal jurisdiction, committed an alleged  
31 crime under the tribal code, and thereafter fled tribal jurisdiction,  
32 including by escaping or evading confinement, breaking the terms of  
33 their probation, bail, or parole, or absenting themselves from the  
34 jurisdiction of the tribal court.

35       (7) "Tribal police officer" has the same meaning as in RCW  
36 10.92.010.

37       **Sec. 7.** RCW 10.32.130 and 2024 c 207 s 14 are each amended to  
38 read as follows:

1 (1) A peace officer (~~(or a peace)~~) as defined in RCW 43.101.010,  
2 limited authority Washington peace officer as defined in RCW  
3 10.93.020, specially commissioned Washington peace officer as defined  
4 in RCW 10.93.020, local or state corrections officer as defined in  
5 RCW 43.101.010, jail as defined in RCW 70.48.020, or such officer's  
6 or jail facility's legal advisor may not be held criminally or  
7 civilly liable for making an arrest or not making an arrest under  
8 chapter 207, Laws of 2024 if the peace officer or the peace officer's  
9 legal advisor acted in good faith and without malice.

10 (2) Chapter 207, Laws of 2024 is not intended to limit, abrogate,  
11 or modify existing immunities for prosecuting attorneys for good  
12 faith conduct consistent with statutory duties.

13 **Sec. 8.** RCW 10.32.090 and 2024 c 207 s 10 are each amended to  
14 read as follows:

15 (1) A peace officer may arrest a person subject to a tribal  
16 arrest warrant from a noncertified tribe when the warrant is  
17 presented by a tribal court representative or tribal law enforcement  
18 officer to the peace officer or a general authority Washington law  
19 enforcement agency as defined in RCW 10.93.020 or entered in the  
20 national crime information center (~~(interstate identification index)~~)  
21 or Washington information center. The arrested person must be brought  
22 to an appropriate place of detention and then to the nearest  
23 available superior court judge (~~(without unnecessary delay)~~) the next  
24 judicial day. The superior court judge shall issue an order  
25 continuing custody upon presentation of the tribal arrest warrant.

26 (2) The judge shall inform the person appearing under subsection  
27 (1) of this section of the name of the noncertified tribe that has  
28 subjected the person to an arrest warrant, the basis of the arrest  
29 warrant, the right to assistance of counsel, and the right to require  
30 a judicial hearing before transfer of custody to the applicable  
31 noncertified tribe.

32 (3) After being informed by the judge of the effect of a waiver,  
33 the arrested person may waive the right to require a judicial hearing  
34 and consent to return to the applicable noncertified tribe by  
35 executing a written waiver. If the waiver is executed, the judge  
36 shall issue an order to transfer custody under subsection (5) of this  
37 section or, with consent of the applicable noncertified tribe,  
38 authorize the voluntary return of the person to that tribe.

1 (4) If a hearing is not waived under subsection (3) of this  
2 section, the court shall hold a hearing within (~~three days~~) 72  
3 hours, excluding weekends and holidays, after the initial appearance.  
4 The arrested person and the prosecuting attorney's office shall be  
5 informed of the time and place of the hearing. The court shall  
6 release the person upon conditions that will reasonably assure  
7 availability of the person for the hearing or direct a peace officer  
8 to maintain custody of the person until the time of the hearing.  
9 Following the hearing, the judge shall issue an order to transfer  
10 custody under subsection (5) of this section unless the arrested  
11 person established by clear and convincing evidence that the arrested  
12 person is not the person identified in the warrant. If the court does  
13 not order transfer of custody, the judge shall order the arrested  
14 person to be released.

15 (5) A judicial order to transfer custody issued under subsection  
16 (4) of this section shall be directed to a peace officer to take or  
17 retain custody of the person until a representative of the applicable  
18 noncertified tribe is available to take custody. If the noncertified  
19 tribe has not taken custody (~~with~~~~[within]~~) within three days,  
20 excluding weekends and holidays, the court may order the release of  
21 the person upon conditions that will assure the person's availability  
22 on a specified date (~~with~~~~[within]~~) within seven days. If the  
23 noncertified tribe has not taken custody within the time specified in  
24 the order, the person shall be released. Thereafter, an order to  
25 transfer custody may be entered only if a new arrest warrant is  
26 issued. The court may authorize the voluntary return of the person  
27 with the consent of the applicable noncertified tribe.

28 **Sec. 9.** RCW 10.32.100 and 2024 c 207 s 11 are each amended to  
29 read as follows:

30 (1) Any arrest warrant issued by the court of a certified tribe  
31 shall be accorded full faith and credit by the courts of the state of  
32 Washington and enforced by the court and peace officers of the state  
33 as if it were the arrest warrant of the state. A Washington state  
34 peace officer who arrests a person pursuant to the arrest warrant of  
35 a certified tribe, if no other grounds for detention exist under  
36 state law, shall, as soon as practical after detaining the person,  
37 and in accordance with standard practices, contact the tribal law  
38 enforcement agency that issued the warrant to establish the warrant's  
39 validity.

1           (2) ~~((A place of detention shall allow a certified tribe to place~~  
2 ~~a detainer on an inmate based on a tribal warrant. For the purposes~~  
3 ~~of this section, detainer means a request by a certified tribe's~~  
4 ~~tribal court, tribal police department, or tribal prosecutor's~~  
5 ~~office, filed with the place of detention in which a person is~~  
6 ~~incarcerated, to hold the person for the certified tribe and to~~  
7 ~~notify the tribe when release of the person is imminent so that the~~  
8 ~~person can be transferred to tribal custody.~~

9           ~~(3) The privilege of the writ of habeas corpus shall be available~~  
10 ~~to any person detained under this provision))~~ The arrested person  
11 must be brought to an appropriate place of detention and then to the  
12 nearest available superior court judge the next judicial day. The  
13 superior court judge shall issue an order continuing custody upon  
14 presentation of the tribal arrest warrant.

15           (3) The judge shall inform the person appearing under subsection  
16 (1) of this section of the name of the certified tribe that has  
17 subjected the person to an arrest warrant, the basis of the arrest  
18 warrant, the right to assistance of counsel, and the right to require  
19 a judicial hearing before transfer of custody to the applicable  
20 certified tribe.

21           (4) After being informed by the judge of the effect of a waiver,  
22 the arrested person may waive the right to require a judicial hearing  
23 and consent to return to the applicable certified tribe by executing  
24 a written waiver. If the waiver is executed, the judge shall issue an  
25 order to transfer custody under subsection (6) of this section or,  
26 with consent of the applicable certified tribe, authorize the  
27 voluntary return of the person to that tribe.

28           (5) If a hearing is not waived under subsection (4) of this  
29 section, the court shall hold a hearing within 72 hours, excluding  
30 weekends and holidays, after the initial appearance. The arrested  
31 person and the prosecuting attorney's office shall be informed of the  
32 time and place of the hearing. The court shall release the person  
33 upon conditions that will reasonably assure availability of the  
34 person for the hearing or direct a peace officer to maintain custody  
35 of the person until the time of the hearing. Following the hearing,  
36 the judge shall issue an order to transfer custody under subsection  
37 (6) of this section unless the arrested person established by clear  
38 and convincing evidence that the arrested person is not the person  
39 identified in the warrant. If the court does not order transfer of  
40 custody, the judge shall order the arrested person to be released.



1       (6) A judicial order to transfer custody issued under this  
2 subsection shall be directed to a peace officer to take or retain  
3 custody of the person until a representative of the applicable  
4 certified tribe is available to take custody. If the certified tribe  
5 has not taken custody within three days, excluding weekends and  
6 holidays, the court may order the release of the person upon  
7 conditions that will assure the person's availability on a specified  
8 date within seven days. If the certified tribe has not taken custody  
9 within the time specified in the order, the person shall be released.  
10 Thereafter, an order to transfer custody may be entered only if a new  
11 arrest warrant is issued. The court may authorize the voluntary  
12 return of the person with the consent of the applicable certified  
13 tribe.

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