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HOUSE BILL 1829

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State of Washington

69th Legislature

2025 Regular Session

By Representatives Lekanoff, Goodman, and Pollet

Read first time 02/04/25. Referred to Committee on Community Safety.

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 noncertified tribe demanding the extradition of a tribal  
6 fugitive pursuant to this chapter shall have standing in any hearing  
7 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 Upon issuing a tribal warrant, the court of a certified tribe may  
11 file such warrant with the superior court of this state. Any tribal  
12 warrant so filed shall be enforced by the court and peace officers of  
13 this state as if it were an arrest warrant of the state.

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

16 (1) If any person against whom a tribal warrant may be issued  
17 pursuant to this chapter shall either, before or after the issuing of  
18 such warrant, escape from or be out of the jurisdiction of the  
19 issuing tribe, the sheriff or other officer to whom such warrant may  
20 be directed may pursue and apprehend the party charged, in any county  
21 in the state, and for that purpose may command aid and exercise the  
22 same authority as in the officer's own county.

23 (2) If a person arrested escapes or is rescued, the person from  
24 whose custody they made their escape, or was rescued, may immediately  
25 pursue and retake them at any time, and within any place in the  
26 state. To retake the person escaping or rescued, the person pursuing  
27 has the same power to command assistance as given in cases of arrest.

28 (3) The governor may appoint agents to make a demand upon the  
29 executive authority of any state or territory for the surrender of  
30 any fugitive from justice, or any other person charged with a felony  
31 or any other crime in this state. Whenever an application shall be  
32 made to the governor for the appointment of an agent, he or she may  
33 require the official submitting the same to provide whatever  
34 information is necessary prior to approval of the application.

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

1 The following definitions are applicable in this chapter unless  
2 the context otherwise requires:

3 (1) "Materially false statement" means any false statement oral  
4 or written, regardless of its admissibility under the rules of  
5 evidence, which could have affected the course or outcome of the  
6 proceeding;

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

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

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

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

24 (3) An oath is "required or authorized by law" when the use of  
25 the oath is specifically provided for by statute or regulatory  
26 provision or when the oath is administered by a person authorized by  
27 state, a federally recognized tribe, or federal law to administer  
28 oaths;

29 (4) "Official proceeding" means a proceeding heard before any  
30 state, federally recognized tribal, or federal legislative, judicial,  
31 administrative, or other government agency or official authorized to  
32 hear evidence under oath, including any tribal court, referee,  
33 hearing examiner, commissioner, notary, or other person taking  
34 testimony or depositions;

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

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

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

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

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

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

13 The definitions in this section apply throughout this chapter  
14 unless the context clearly requires otherwise.

15 (1) "Noncertified tribe" means a federally recognized tribe  
16 located within the borders of the state of Washington that is  
17 requesting that a tribal fugitive be surrendered to the duly  
18 authorized agent of the tribe, but has not received approval to  
19 exercise jurisdiction under the tribal law and order act of 2010,  
20 section 234, codified at 25 U.S.C. Sec. 1302, and which has agreed by  
21 treaty or practice not to shelter or conceal offenders against the  
22 laws of the state of Washington but to deliver them up to state  
23 authorities for prosecution.

24 (2) "Certified tribe" means a federally recognized tribe located  
25 within the borders of the state of Washington that (a) may impose a  
26 term of imprisonment of greater than one year, or a fine greater than  
27 \$5,000, or both, pursuant to the tribal law and order act of 2010,  
28 section 234, codified at 25 U.S.C. Sec. 1302; and (b) has agreed not  
29 to shelter or conceal offenders against the laws of the state of  
30 Washington but to deliver them up to state authorities for  
31 prosecution.

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

33 (4) "Place of detention" means a jail as defined in RCW  
34 70.48.020, a correctional facility as defined in RCW 72.09.015, and  
35 any similar adult facility contracted by a city or county.

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

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

7 (7) "Tribal police officer" has the same meaning as in RCW  
8 10.92.010.

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

11 (1) A peace officer (~~(or a peace)~~) as defined in RCW 43.101.010,  
12 limited authority Washington peace officer as defined in RCW  
13 10.93.020, specially commissioned Washington peace officer as defined  
14 in RCW 10.93.020, or local or state corrections officer as defined in  
15 RCW 43.101.010 or such officer's legal advisor may not be held  
16 criminally or civilly liable for making an arrest under chapter 207,  
17 Laws of 2024 if the peace officer or the peace officer's legal  
18 advisor acted in good faith and without malice.

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

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

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

35 (2) The judge shall inform the person appearing under subsection  
36 (1) of this section of the name of the noncertified tribe that has  
37 subjected the person to an arrest warrant, the basis of the arrest  
38 warrant, the right to assistance of counsel, and the right to require

1 a judicial hearing before transfer of custody to the applicable  
2 noncertified tribe.

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

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

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

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

1           (1) Any arrest warrant issued by the court of a certified tribe  
2 shall be accorded full faith and credit by the courts of the state of  
3 Washington and enforced by the court and peace officers of the state  
4 as if it were the arrest warrant of the state. A Washington state  
5 peace officer who arrests a person pursuant to the arrest warrant of  
6 a certified tribe, if no other grounds for detention exist under  
7 state law, shall, as soon as practical after detaining the person,  
8 and in accordance with standard practices, contact the tribal law  
9 enforcement agency that issued the warrant to establish the warrant's  
10 validity.

11           (2) A place of detention shall allow a certified tribe to place a  
12 detainer on an inmate based on a tribal warrant. For the purposes of  
13 this section, detainer means a request by a certified tribe's tribal  
14 court, tribal police department, or tribal prosecutor's office, filed  
15 with the place of detention in which a person is incarcerated, to  
16 hold the person for the certified tribe and to notify the tribe when  
17 release of the person is imminent so that the person can be  
18 transferred to tribal custody within 72 hours of their release from  
19 all other holds.

20           (3) The privilege of the writ of habeas corpus shall be available  
21 to any person detained under this provision. The issues in the habeas  
22 corpus proceeding shall be limited to those identified in RCW  
23 10.32.060 (4) and (5).

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