

RCW 10.32.060 Noncertified tribes—Order of surrender.

(Effective July 1, 2025.) (1) The attorney general or prosecuting attorney shall submit all applicable documents specified in RCW 10.32.030 to a superior court judge in this state along with a motion for an order of surrender. The motion for an order of surrender shall be served upon the person whose extradition is demanded.

(2) A person who is served with a motion for an order of surrender shall be taken before a superior court judge in this state the next judicial day. The judge shall inform the person of the demand made for the person's surrender and the underlying reason for the demand, and that the person has the right to demand and procure legal counsel.

(3) The person whose return is demanded may, in the presence of any superior court judge, sign a statement that the person consents to his or her return to the noncertified tribe. However, before such waiver may be executed, it shall be the duty of such judge to inform the person of his or her right to test the legality of the extradition request before an order of surrender may be issued.

(4) Any hearing to test the legality of the extradition request shall occur within three judicial days, excluding weekends and holidays, of the person receiving notice of the motion for an order of surrender. The hearing is limited to determining:

(a) Whether the person has been charged with or convicted of a crime by the noncertified tribe;

(b) Whether the person before the court is the person named in the request for extradition; and

(c) Whether the person is a fugitive.

(5) The guilt or innocence of the person as to the crime of which the person is charged may not be inquired into by a superior court judge except as it may be necessary to identify the person held as being the person charged with the crime.

(6) If the superior court judge determines that the requirements of subsection (4) of this section and RCW 10.32.030 have been met, the judge shall issue an order of surrender to the noncertified tribe. If the noncertified tribe does not take custody of the person pursuant to the order of surrender on the date the person is scheduled to be released from the place of detention or within 48 hours of the entry of the order of surrender, whichever is later, the person may be released from custody with bail conditioned on the person's appearance before the court at a time specified for his or her surrender to the noncertified tribe or for the vacation of the order of surrender.

[2024 c 207 s 7.]