

WARRANT QUASH PROCEDURES

A person with a warrant for their arrest issued by the Lummi Tribal Court may request to have their warrant quashed. The procedures are:

- 1) If the defendant has an attorney, they should contact their defense attorney who can help them with the warrant quash process.
- 2) Complete the Warrant Quash form and file the form with the Lummi Tribal Court.
 - a. Pay the Warrant Quash fee of \$50.00 at the Cashier's office in the main lobby of the LIBC Administration Building and file the receipt with the Warrant Quash form.
 - b. Complete 8 hours of community service and file the proof of community service with the Warrant Quash form.
 - c. If the Warrant Quash form is filed within seven (7) days of issuance of the warrant, there is no quash fee or community service required to quash the warrant.
 - d. Warrant Quash Hours are Monday through Friday from 9:00 am to 2:30 pm. This is the time that the defendant can file their Warrant Quash form.
- 3) When filing the Warrant Quash form, the defendant will be requested to sign a promise to appear for their hearing to quash the warrant.
 - a. Once the Warrant Quash form is filed, the warrant is held by the Clerk's Office and will not be served (the defendant will not be arrested on the warrant) pending the Warrant Quash Hearing.
- 4) Appear at the warrant hearing.
 - a. Warrant Quash Hearings are held every Thursday at 1:30 pm.
 - b. If the defendant with the warrant does not appear at the Warrant Quash hearing, the warrant will be placed back into the system for the defendant to be arrested on the warrant.

LEGAL AUTHORITY

Lummi Code of Laws 2.02.035(b) - Seven-Day Bench Warrants. In issuing a bench warrant pursuant to section (a) above, the Court, in its discretion, may issue a "seven-day bench warrant." Such a warrant is immediately active upon issuance and a defendant could be arrested on such warrant. However, the Clerk of the Court will not forward the warrant to the Lummi Nation Police Department until after the seven days have passed from the issuance of the warrant. The warrant may be served on the defendant by law enforcement but can be quashed without any quash fee or community work service, pursuant to section (c) below, for seven days after issuance.

Lummi Code of Laws 2.02.035(c) - Quashing a Warrant. Any person who is the subject of a warrant of arrest because of his or her failure to appear before the Court at a scheduled hearing may submit a request that the Court quash or rescind the warrant. Such requests must be accompanied by payment of a fee established on a fee schedule approved by the Lummi Indian Business Council or its designee and a written promise to appear in Court on the date established by the Court. By approval of the Court, in lieu of payment of the fee, the defendant may submit proof of completion of eight hours of community work.