

(b) For not more than six hours and pursuant to a lawful detention in the course of an investigation, a juvenile may be held in an adult facility provided that the confinement is separate from the sight and sound of adult inmates.

(2) For purposes of this section a juvenile is an individual under the chronological age of eighteen years who has not been transferred previously to adult courts.

(3) The corrections standards board, in exercise of the powers of the state jail commission, shall monitor and enforce compliance with this section.

(4) This section shall not be construed to expand or limit the authority to lawfully detain juveniles.

NEW SECTION. Sec. 2. Section 11, chapter 160, Laws of 1913 and RCW 13.04.115 are each repealed.

Passed the Senate March 12, 1985.

Passed the House April 8, 1985.

Approved by the Governor April 17, 1985.

Filed in Office of Secretary of State April 17, 1985.

CHAPTER 51

[Substitute Senate Bill No. 3175]

SHELLFISH—COMMERCIAL QUANTITIES DEFINED—GROWERS AND PROCESSORS—CERTIFICATES OF APPROVAL—VIOLATIONS AND PENALTIES MODIFIED

AN ACT Relating to shellfish; amending RCW 69.30.010, 69.30.050, 69.30.060, 69.30.110, 69.30.120, 69.30.140, and 75.12.120; and prescribing penalties.

Be it enacted by the Legislature of the State of Washington:

Sec. 1. Section 1, chapter 144, Laws of 1955 as amended by section 70, chapter 141, Laws of 1979 and RCW 69.30.010 are each amended to read as follows:

When used in this chapter, the following terms shall have the following meanings:

(1) "Shellfish" means all varieties of fresh and frozen oysters, mussels, and clams, either shucked or in the shell, and any fresh or frozen edible products thereof.

(2) "Sale" means to sell, offer for sale, barter, trade, deliver, consign, hold for sale, consignment, barter, trade, or delivery, and/or possess with intent to sell or dispose of in any commercial manner.

(3) "Shellfish growing areas" means the lands and waters in and upon which shellfish are grown for harvesting in commercial quantity or for sale for human consumption.

(4) "Establishment" means the buildings together with the necessary equipment and appurtenances used for the storage, culling, shucking, packing and/or shipping of shellfish in commercial quantity or for sale for human consumption.

(5) "Person" means any individual, partnership, firm, company, corporation and/or association.

(6) "Department" means the state department of social and health services.

(7) "Secretary" means the secretary of social and health services or his or her authorized representatives.

(8) "Commercial quantity" means any quantity exceeding: (a) Forty pounds of mussels; (b) one hundred oysters; (c) fourteen horseclams; (d) six geoducks; or (e) fifty pounds of hard or soft shell clams.

Sec. 2. Section 5, chapter 144, Laws of 1955 and RCW 69.30.050 are each amended to read as follows:

Shellfish growing areas, from which shellfish are removed in a commercial quantity or for sale for human consumption shall be in a safe and sanitary condition, meeting the requirements of the state board of health; and such shellfish growing areas shall be so certified by the department. Any person desiring to remove shellfish in a commercial quantity or for sale for human consumption from a growing area in the state of Washington shall first apply to the department for a certificate of approval of the growing area. The department shall cause the shellfish growing area to be inspected and if the area meets the sanitary requirements of the state board of health, the department shall issue a certificate of approval for that area. Such certificates shall be issued for a period not to exceed twelve months and may be revoked at any time the area is found not to be in compliance with the sanitary requirements of the state board of health.

Sec. 3. Section 6, chapter 144, Laws of 1955 and RCW 69.30.060 are each amended to read as follows:

No person shall cull, shuck, or pack shellfish in the state of Washington in a commercial quantity or for sale for human consumption unless the establishment in which such operations are conducted has been certified by the department as meeting the requirements of the state board of health. Any person desiring to cull, shuck, or pack shellfish within the state of Washington in a commercial quantity or for sale for human consumption, shall apply to the department for a certificate of approval for the establishment in which such operations will be done. The department shall cause such establishment to be inspected, and if the establishment meets the sanitary requirements of the state board of health, the department shall issue a certificate of approval. Such certificates of approval shall be issued for a period not to exceed twelve months, and may be revoked at any time the establishment or the operations are found not to be in compliance with the sanitary requirements of the state board of health.

Sec. 4. Section 11, chapter 144, Laws of 1955 as amended by section 74, chapter 141, Laws of 1979 and RCW 69.30.110 are each amended to read as follows:

~~((Any))~~ It is unlawful to possess a commercial quantity of shellfish or to sell or offer to sell for human consumption shellfish ((sold or offered for sale)) in the state(;) which have not been grown, shucked, packed, or shipped in accordance with the provisions of this chapter((; shall upon order of the secretary be immediately withdrawn from sale, use, or consumption. In the event of failure or refusal to comply with said order, the secretary may apply to the superior court of the county wherein the shellfish were found for an order directing that the person having control of said shellfish withdraw said shellfish from sale, use, or consumption, in compliance with the order of the secretary)). Failure of a shellfish grower to display immediately a certificate of approval issued under RCW 69.30.050 to an authorized representative of the department, a fisheries patrol officer, or an ex officio fisheries patrol officer subjects the grower to the penalty provisions of this chapter, as well as immediate seizure of the shellfish by the representative or officer.

Failure of a shellfish processor to display a certificate of approval issued under RCW 69.30.060 to an authorized representative of the department, a fisheries patrol officer, or an ex officio fisheries patrol officer subjects the processor to the penalty provisions of this chapter, as well as immediate seizure of the shellfish by the representative or officer.

Shellfish seized under this section shall be subject to prompt disposal by the representative or officer and may not be used for human consumption. The state board of health shall develop by rule procedures for the disposal of the seized shellfish.

Sec. 5. Section 12, chapter 144, Laws of 1955 and RCW 69.30.120 are each amended to read as follows:

The department may enter and inspect ~~((at reasonable times))~~ any shellfish growing area or establishment ~~((and))~~ for the purposes of determining compliance with this chapter. The department may inspect all certificates of approval and all shellfish, and take for inspection such samples of shellfish as may reasonably be necessary to carry out the provisions of this chapter. For purposes of this chapter, fisheries patrol officers or ex officio fisheries patrol officers are limited to entry, inspection, and destruction of shellfish to achieve compliance with RCW 69.30.110 and to taking for inspection samples of shellfish as may reasonably be necessary to carry out this chapter.

Sec. 6. Section 14, chapter 144, Laws of 1955 and RCW 69 30.140 are each amended to read as follows:

Any person found violating any of the provisions of this chapter shall be guilty of a gross misdemeanor, and upon conviction thereof shall be subject to a fine of not less than twenty-five dollars nor more than one (~~hundred~~) thousand dollars, or imprisonment (~~(not to exceed ninety)~~) in the county jail of the county in which the offense was committed for not less than thirty days nor more than one year, or to both fine and imprisonment. (~~Upon the violation of any of the provisions of this chapter, written notification shall be sent by the department to the person found in violation. Each day's operation thereafter in violation shall constitute a separate offense and shall be subject to the prescribed penalties.~~) A conviction is an unvacated forfeiture of bail or collateral deposited to secure the defendant's appearance in court, the payment of a fine, a plea of guilty, or a finding of guilt on a violation of this chapter, regardless of whether imposition of sentence is deferred or the penalty is suspended, and shall be treated as a violation conviction for purposes of license forfeiture under RCW 75.10.120.

Sec. 7. Section 75.12.120, chapter 12, Laws of 1955 as amended by section 57, chapter 46, Laws of 1983 1st ex. sess. and RCW 75.12.120 are each amended to read as follows:

It is unlawful to waste or destroy food fish or shellfish wantonly, except for disposals authorized by RCW 69.30.110.

A processor shall not purchase or engage a quantity of food fish or shellfish that cannot be processed within sixty hours after the food fish or shellfish are taken from the water, unless the food fish or shellfish are preserved in good marketable condition.

Passed the Senate March 22, 1985.

Passed the House April 8, 1985.

Approved by the Governor April 17, 1985.

Filed in Office of Secretary of State April 17, 1985.

CHAPTER 52

[Senate Bill No. 3148]

SPECIAL ADULT SUPERVISION PROGRAMS—STATUTES REPEALED

AN ACT Relating to special adult supervision programs; repealing RCW 9.95A.010, 9.95A.020, 9.95A.030, 9.95A.040, 9.95A.050, 9.95A.060, 9.95A.070, 9.95A.080, 9.95A.090, 9.95A.900, and 9.95A.905.

Be it enacted by the Legislature of the State of Washington:

NEW SECTION. Sec. 1. The following acts or parts of acts are each repealed:

(1) Section 1, chapter 123, Laws of 1973 1st ex. sess. and RCW 9.95A.010;

(2) Section 2, chapter 123, Laws of 1973 1st ex. sess., section 51, chapter 136, Laws of 1981 and RCW 9.95A.020;