

HOUSE No.

The Commonwealth of Massachusetts

PRESENTED BY:

Angelo M. Scaccia

To the Honorable Senate and House of Representatives of the Commonwealth of Massachusetts in General Court assembled:

The undersigned legislators and/or citizens respectfully petition for the passage of the accompanying bill:

An Act relative to the destruction of drugs held by police departments. .

PETITION OF:

NAME:	DISTRICT/ADDRESS:
Angelo M. Scaccia	14th Suffolk

[SIMILAR MATTER FILED IN PREVIOUS SESSION
SEE HOUSE, NO. 2376 OF 2007-2008.]

The Commonwealth of Massachusetts

In the Year Two Thousand and Nine

AN ACT RELATIVE TO THE DESTRUCTION OF DRUGS HELD BY POLICE DEPARTMENTS. .

Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, as follows:

1 Section 47A of chapter 94C of the General Laws, as appearing in the 2004 Official Edition, is
2 hereby amended by inserting after paragraph 2 the following new paragraph:-

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4 At any time after seizure by a law enforcement agency of a controlled substance, the police
5 commissioner, chief superintendent, or other office or board at the head of each police department may
6 order, without a court order, the evidence officer to submit to the department the controlled substance
7 or narcotic drug for destruction or disposition in any way not prohibited by law. The destruction may
8 only occur upon the satisfaction of the following requirements:

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10 The police department receives a certificate of analysis, sworn to before a justice of the peace or a
11 notary public, from either the department of public safety, the University of Massachusetts medical
12 school, or the department of public health;

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14 Photographs have been taken which reasonably demonstrate the total amount of the controlled
15 substance to be destroyed; and

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17 The police commissioner, chief superintendent, or other office or board at the head of each police
18 department has determined that destroying the controlled substance is reasonable when considering
19 the storage and safekeeping of the controlled substance.

20 Subsequent to any destruction of a controlled substance under this procedure, the evidence officer shall
21 keep the original or a certified copy of the certificate of analysis, which shall be prima facie evidence of
22 the composition and quality of the controlled substance or narcotic drug in any subsequent
23 prosecutions pertaining to the controlled substance.

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