

HOUSE No. 02920

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

.....
Thomas M. Menino

.....
Mayor, City of Boston

HOUSE No. 02920

By Mr. Scaccia of Boston, a petition (accompanied by bill, House, No. 2920) of Scaccia relative to the destruction of drugs held by police departments Joint Committee on Public Safety and Homeland Security.

[SIMILAR MATTER FILED IN PREVIOUS SESSION
SEE
□ HOUSE
□ , NO. 2276 OF 2009-2010.]

The Commonwealth of Massachusetts

In the Year Two Thousand Eleven

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 1. Section 47A of chapter 94C of the General Laws is hereby amended by inserting
- 2 after the second paragraph the following new paragraph:-
- 3 At any time after seizure by a law enforcement agency of a controlled substance, the police
- 4 commissioner, chief superintendent, or other office or board at the head of each police
- 5 department in the commonwealth may order, without a court order, the evidence officer to
- 6 submit to the department the controlled substance or narcotic drug for destruction or disposition
- 7 in any way not prohibited by law. The destruction may only occur upon the satisfaction of the
- 8 following requirements:

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

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

14 The police commissioner, chief superintendent, or other office or board at the head of each
15 police department in the commonwealth has determined that destroying the controlled substance
16 is reasonable when considering the storage and safekeeping of the controlled substance.

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

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