

# HOUSE . . . . . No. 2276

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## The Commonwealth of Massachusetts

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In the Year Two Thousand Nine  
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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  
2           Edition, is hereby amended by inserting after paragraph 2 the following new paragraph:-

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

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

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

13           The police commissioner, chief superintendent, or other office or board at the head of  
14 each police department has determined that destroying the controlled substance is reasonable  
15 when considering the storage and safekeeping of the controlled substance. Subsequent to any  
16 destruction of a controlled substance under this procedure, the evidence officer shall keep the  
17 original or a certified copy of the certificate of analysis, which shall be prima facie evidence of  
18 the composition and quality of the controlled substance or narcotic drug in any subsequent  
19 prosecutions pertaining to the controlled substance.