

# HOUSE . . . . . No. 2920

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## 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 adoption of the accompanying bill:

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

PETITION OF:

NAME:	DISTRICT/ADDRESS:	DATE ADDED:
<i>Angelo M. Scaccia</i>	<i>14th Suffolk</i>	<i>1/21/2011</i>
<i>Thomas M. Menino</i>	<i>Mayor, City of Boston</i>	

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

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

## The Commonwealth of Massachusetts

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In the Year Two Thousand Eleven  
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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 1. Section 47A of chapter 94C of the General Laws is hereby amended by  
2     inserting after the second paragraph 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 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  
10 peace or a notary public, from either the department of public safety, the University of  
11 Massachusetts medical school, or the department of public health;

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

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