

HOUSE No. 4596

The Commonwealth of Massachusetts

HOUSE OF REPRESENTATIVES, May 6, 2024.

The committee on The Judiciary, to whom was referred the petition (accompanied by bill, House, No. 1430) of Mark J. Cusack relative to the examination of evidence rooms and evidentiary procedures, reports recommending that the accompanying bill (House, No. 4596) ought to pass.

For the committee,

MICHAEL S. DAY.

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**In the One Hundred and Ninety-Third General Court
(2023-2024)**

An Act relative to the examination of evidence rooms and evidentiary procedures.

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. Notwithstanding any general or special law to the contrary, there shall be
2 established, pursuant to section 2A of chapter 4 of the General Laws, a special legislative
3 commission known as the Commission on the Preservation and Storage of Evidence. The
4 commission shall be comprised of the following 15 members: 6 members appointed by the
5 governor, 1 of whom shall be an elected clerk of the superior court; 1 of whom shall be a clerk-
6 magistrate of the district court; 1 of whom shall be a police officer with experience in evidence
7 collection and preservation; 1 of whom shall be a criminal defense attorney; 1 of whom shall be
8 professor of evidence at a law school accredited by the American Bar Association and 1 of
9 whom shall be a retired district court or boston municipal court justice; 3 members of the house
10 of representatives, 1 of whom shall be appointed by the speaker of the house, 1 of whom shall be
11 the house chair of the joint committee on the judiciary or designee and 1 of whom shall be
12 appointed by the minority leader; 3 members of the senate, 1 of whom shall be appointed by the
13 senate president, 1 of whom shall be the senate chair of the joint committee on the judiciary or
14 designee and 1 of whom shall be appointed by the minority leader; the attorney general or a

15 designee and 2 elected district attorneys appointed by the president of the Massachusetts District
16 Attorneys Association. The house and senate chairs of the joint committee on the judiciary or
17 their designees shall serve as co-chairs of the commission.

18 The commission shall conduct an examination of: (i) the existing legal and regulatory
19 framework governing the preservation and storage of evidence and property collected by law
20 enforcement; (ii) the current processes utilized by law enforcement for the preservation and
21 storage of evidence and property including its submission, receipt, storage, disposition and use as
22 part of court proceedings; and (iii) the current processes utilized by law enforcement for the
23 storage of hazardous material; the protection and preservation of biological or DNA-related
24 material; the adoption of security and chain of custody protocols; and the training of evidence or
25 property personnel.

26 The commission shall investigate the feasibility and anticipated cost of constructing and
27 maintaining a statewide evidence storage facility for the preservation and storage of evidence
28 and property.

29 In undertaking its examinations and investigations the commission shall confer with
30 representatives of the various state offices responsible for overseeing evidence collection and
31 storage, as well as with academics, practitioners and others with expertise in these areas.

32 The commission shall file a report on all aspects of its examination and investigation with
33 the governor, the president of the senate and the speaker of the house of representatives and the
34 clerks of the house of representatives and senate regarding the results of its investigation and
35 study on or before March 31, 2025.

36 The report shall include, but not be limited to: (i) an assessment of the effectiveness and
37 sufficiency of current law and processes for evidence and property collection and storage
38 including those used for hazardous material storage, the protection and preservation of
39 biological/DNA-related material, security and chain of custody, and the training of
40 evidence/property personnel; (ii) recommendations for improvement of these processes for use in
41 their development of standardized guidelines for evidence and property management by law
42 enforcement; (ii) recommendations on the feasibility and anticipated cost of constructing and
43 maintaining a statewide evidence storage facility and evidence management program; and (iv)
44 recommendations for improvements or amendments to any law, regulation or rule involving
45 evidence or property collection and preservation including recommended legislation, if any.