

The Commonwealth of Massachusetts

In the Year Two Thousand and Seven.

BILL FILING TEMPLATE

Be It Enacted, by the Senate and House of Representatives, etc., as follows:

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

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

- (1) The police department receives a certificate of analysis, sworn to before a justice of the peace or a notary public, from either the department of public safety, the University of Massachusetts medical school, or the department of public health;
- (2) Photographs have been taken which reasonably demonstrate the total amount of the controlled substance to be destroyed; and
- (3) The police commissioner, chief superintendent, or other office or board at the head of each police department has determined that destroying the controlled substance is reasonable when considering the storage and safekeeping of the controlled substance.

Subsequent to any destruction of a controlled substance under this procedure, the evidence officer shall keep the original or a certified copy of the certificate of analysis,

which shall be prima facie evidence of the composition and quality of the controlled substance or narcotic drug in any subsequent prosecutions pertaining to the controlled substance.