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DESTRUCTION OF DRUG EVIDENCE

House Bill 4244
Sponsor: Rep. Terry London
Committee: Judiciary

Complete to 10-18-93

A SUMMARY OF HOUSE BILL 4244 AS INTRODUCED 2-11-93

The bill would amend the Public Health Code to specify procedures for the destruction of drugs or counterfeit drugs used as evidence in a criminal prosecution. The prosecutor could move in writing that the drugs be destroyed, and would have to give reasons supporting the destruction. A copy of the motion would go to the defense.

If the defense objected, the defendant or his or her attorney would have to file specific objections within 20 days after receiving notice of the prosecutor's motion. To miss the 20-day deadline would be to waive any objection to the destruction of the evidence. Before any hearing, the defense would have to have an adequate opportunity to inspect or test the evidence, subject to reasonable supervision by laboratory or law enforcement personnel.

The court would have to hold a hearing, after which it could order destruction of all or part of the drug evidence, if it determined on the record that destruction was warranted. The court order would specify the evidence to be destroyed and could include other provisions as required by the interests of justice.

The law enforcement agency with custody of the drug evidence would destroy it as ordered by the court. Before doing so, however, it would have to make an accurate photographic record of the evidence. The court could order additional records.

MCL 333.7527

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