

PUBLIC HEALTH CODE (EXCERPT)
Act 368 of 1978

333.7527 Destruction of controlled substance seized as evidence.

Sec. 7527.

(1) Prior to trial the prosecuting attorney may move in writing for an order permitting the destruction of all or part of a controlled substance, controlled substance analogue, counterfeit substance, or imitation controlled substance seized as evidence in connection with a violation of this article. The motion shall specify the reasons supporting the destruction. The prosecuting attorney shall serve a copy of the motion, and any supporting materials, on the defendant or his or her attorney.

(2) If the defendant objects, the defendant or his or her attorney shall file specific objections within 21 days after receiving the motion described in subsection (1). Failing to comply with this time limit waives any objection to the destruction of the evidence.

(3) Before any hearing on the motion, the defendant or his or her attorney shall have an adequate opportunity to inspect or test, or both, the evidence sought to be destroyed, subject to reasonable supervision by laboratory or law enforcement personnel.

(4) Following a hearing, the court may order destruction of all or part of the controlled substance, controlled substance analogue, counterfeit substance, or imitation controlled substance if the court determines on the record that the destruction is warranted. The court shall specify the evidence to be destroyed and may include further provisions in the order as the interests of justice require.

(5) The law enforcement agency having custody of the evidence shall destroy the controlled substance, controlled substance analogue, counterfeit substance, or imitation controlled substance in accordance with an order entered under subsection (4). Before destroying the evidence, the law enforcement agency shall make an accurate photographic record of the controlled substance, controlled substance analogue, counterfeit substance, or imitation controlled substance. The court may order that further records be made before the evidence is destroyed.

History: Add. 1993, Act 289, Eff. Apr. 1, 1994

Popular Name: Act 368