MAR 7 2006
Place On Calendar

HOUSE FILE 2696
BY COMMITTEE ON PUBLIC SAFETY

(SUCCESSOR TO HSB 529)

Passed House, Date 3-21-06 Passed Senate, Date 3-28-06
Vote: Ayes 99 Nays 0 Vote: Ayes 49 Nays 0
Approved April 6, 2006

A BILL FOR

1 An Act relating to the disposal of a controlled substance.
2 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
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HF 2696

TLSB 5295HV 81
jm/sh/8

S.F. _____ H.F. 2696

1 Section 1. NEW SECTION. 124.506A LARGE SEIZURE OF A
2 CONTROLLED SUBSTANCE -- EVIDENCE AND DISPOSAL.
3 1. Notwithstanding the provisions of section 124.506, if
4 more than ten pounds of marijuana or more than one pound of
5 any other controlled substance is seized in violation of this
6 chapter, the law enforcement agency responsible for retaining
7 the seized controlled substance may destroy the seized
8 controlled substance if the law enforcement agency retains at
9 least ten pounds of the marijuana seized or at least one pound
10 of any other controlled substance seized for evidence
11 purposes.
12 2. Prior to the destruction of any controlled substance
13 under this section, the law enforcement agency shall
14 photograph the controlled substance to be destroyed with
15 identifying case numbers or any other case identifiers and
16 prepare a written report detailing any relevant information
17 about the destruction of the controlled substance. At least
18 thirty days prior to any destruction of a controlled
19 substance, the law enforcement agency destroying the
20 controlled substance shall notify in writing any person
21 arrested in connection with the seizure, the attorney of the
22 person if represented, and any other attorney of record
23 including the prosecuting attorney, and the law enforcement
24 agency that made the arrest if the agency is different than
25 the law enforcement agency responsible for retaining the
26 seized controlled substance, that the law enforcement agency
27 is planning to photograph and destroy part of the controlled
28 substance seized, and any person or agency notified may be
29 present at the photographing of the controlled substance to be
30 destroyed.
31 3. Any person or agency notified about the destruction of
32 part of the controlled substance seized, or any other
33 interested party, may file an application with the district
34 court resisting the destruction of any of the controlled
35 substance.

1 4. A rebuttable presumption is created that the portion of
2 any controlled substance retained for representation purposes
3 as evidence and all photographs and records made under this
4 section and properly identified are admissible in any court
5 proceeding for any purpose for which the destroyed controlled
6 substance would have been admissible.

7 EXPLANATION

8 This bill relates to the disposal of a controlled
9 substance.
10 Under the bill, if more than 10 pounds of marijuana or more
11 than one pound of any other controlled substance is seized in
12 violation of Code chapter 124, the law enforcement agency
13 responsible for retaining the seized controlled substance may
14 destroy the seized controlled substance if the law enforcement
15 agency retains at least 10 pounds of any marijuana seized or
16 one pound of any other controlled substance seized for
17 evidence purposes.
18 The bill provides that prior to any such destruction, the
19 law enforcement agency shall photograph the controlled
20 substances with identifying case numbers or any other case
21 identifiers and prepare a written report detailing any
22 relevant information about the destruction of the controlled
23 substance.
24 The bill also provides that at least 30 days prior to any
25 destruction of a controlled substance, the law enforcement
26 agency destroying the controlled substance shall notify in
27 writing any person arrested in connection with the seizure,
28 any attorney of record, and any other law enforcement agency
29 involved in the seizure, that the law enforcement agency is
30 planning to photograph and destroy part of the controlled
31 substance seized, and any person or agency notified may be
32 present at the photographing of the controlled substance to be
33 destroyed.
34 The bill provides that any person or agency notified about
35 the destruction of the controlled substance may file an

application with the district court resisting the destruction of the controlled substance.

The bill creates a rebuttable presumption that the remaining controlled substance not destroyed and the photographs and other records related to the destruction of the controlled substance are admissible in court for any purpose for which the destroyed controlled substance would have been admissible.

Eichhorn
Tjepkes
Olson, R.

Succeeded by
SF 2696

HSB 529
PUBLIC SAFETY

HOUSE FILE _____
BY (PROPOSED COMMITTEE ON PUBLIC SAFETY BILL BY CHAIRPERSON BAUDLER)

Passed House, Date _____ Passed Senate, Date _____
Vote: Ayes _____ Nays _____ Vote: Ayes _____ Nays _____
Approved _____

A BILL FOR

1 An Act relating to the disposal of a controlled substance.
2 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
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TLSB 5295HC 81
jm/sh/8

S.F. _____ H.F. _____

1 Section 1. NEW SECTION. 124.506A LARGE SEIZURE OF A
2 CONTROLLED SUBSTANCE -- EVIDENCE AND DISPOSAL.
3 1. Notwithstanding the provisions of section 124.506, if
4 more than ten pounds of marijuana or more than one pound of
5 any other controlled substance is seized in violation of this
6 chapter, the law enforcement agency responsible for retaining
7 the seized controlled substance shall retain ten pounds of the
8 marijuana seized or one pound of any other controlled
9 substance seized for evidence purposes and may destroy the
10 remainder of the seized controlled substance.
11 2. Prior to the destruction of any controlled substance
12 under this section, the law enforcement agency shall
13 photograph the controlled substance to be destroyed with
14 identifying case numbers or any other case identifiers and
15 prepare a written report detailing any relevant information
16 about the destruction of the controlled substance. At least
17 three days prior to any destruction of a controlled substance,
18 the law enforcement agency destroying the controlled substance
19 shall notify in writing any person arrested in connection with
20 the seizure, or the attorney of the person if represented,
21 that the law enforcement agency is planning to photograph and
22 destroy part of the controlled substance seized, and the
23 person or the person's attorney may be present at the
24 photographing of the controlled substance to be destroyed.
25 3. In addition to the amount of any controlled substance
26 retained for representation purposes as evidence, all
27 photographs and records made under this section and properly
28 identified are admissible in any court proceeding for any
29 purpose for which the destroyed controlled substance would
30 have been admissible.
31 EXPLANATION
32 This bill relates to the disposal of a controlled
33 substance.
34 Under the bill, if more than 10 pounds of marijuana or more
35 than one pound of any other controlled substance is seized in

1 violation of Code chapter 124, the law enforcement agency
2 responsible for retaining the seized controlled substance
3 shall retain 10 pounds of any marijuana seized or one pound of
4 any other controlled substance seized for evidence purposes
5 and may destroy the remainder of the seized controlled
6 substance.
7 The bill provides that prior to any such destruction, the
8 law enforcement agency shall photograph the controlled
9 substances with identifying case numbers or any other case
10 identifiers and prepare a written report detailing any
11 relevant information about the destruction of the controlled
12 substance.
13 The bill also provides that at least three days prior to
14 any destruction of a controlled substance, the law enforcement
15 agency destroying the controlled substance shall notify in
16 writing any person arrested in connection with the seizure, or
17 the attorney of the person if represented, that the law
18 enforcement agency is planning to photograph and destroy part
19 of the controlled substance seized, and the person or the
20 person's attorney may be present at the photographing of the
21 controlled substance to be destroyed.
22 The bill provides that all photographs and records made
23 pursuant to the bill are admissible in any court proceeding
24 for any purpose for which the destroyed controlled substance
25 would have been admissible.
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HOUSE FILE 2696

AN ACT
RELATING TO THE DISPOSAL OF A CONTROLLED SUBSTANCE.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

Section 1. NEW SECTION. 124.506A LARGE SEIZURE OF A CONTROLLED SUBSTANCE -- EVIDENCE AND DISPOSAL.

1. Notwithstanding the provisions of section 124.506, if more than ten pounds of marijuana or more than one pound of any other controlled substance is seized in violation of this chapter, the law enforcement agency responsible for retaining the seized controlled substance may destroy the seized controlled substance if the law enforcement agency retains at least ten pounds of the marijuana seized or at least one pound of any other controlled substance seized for evidence purposes.

2. Prior to the destruction of any controlled substance under this section, the law enforcement agency shall photograph the controlled substance to be destroyed with identifying case numbers or any other case identifiers and prepare a written report detailing any relevant information about the destruction of the controlled substance. At least thirty days prior to any destruction of a controlled substance, the law enforcement agency destroying the controlled substance shall notify in writing any person arrested in connection with the seizure, the attorney of the person if represented, and any other attorney of record including the prosecuting attorney, and the law enforcement agency that made the arrest if the agency is different than the law enforcement agency responsible for retaining the seized controlled substance, that the law enforcement agency is planning to photograph and destroy part of the controlled substance seized, and any person or agency notified may be present at the photographing of the controlled substance to be destroyed.

3. Any person or agency notified about the destruction of part of the controlled substance seized, or any other interested party, may file an application with the district court resisting the destruction of any of the controlled substance.

4. A rebuttable presumption is created that the portion of any controlled substance retained for representation purposes as evidence and all photographs and records made under this section and properly identified are admissible in any court proceeding for any purpose for which the destroyed controlled substance would have been admissible.

CHRISTOPHER C. RANTS
Speaker of the House

JEFFREY M. LAMBERTI
President of the Senate

I hereby certify that this bill originated in the House and is known as House File 2696, Eighty-first General Assembly.

MARGARET THOMSON
Chief Clerk of the House

Approved _____, 2006

THOMAS J. VILSACK
Governor