



General Assembly

February Session, 2008

Raised Bill No. 539

LCO No. 2259

* SB00539PS_JUD030608 *

Referred to Committee on Public Safety and Security

Introduced by:
(PS)

**AN ACT CONCERNING THE USE OF SEIZED CONTROLLED
SUBSTANCES AND DRUGS FOR TRAINING NARCOTIC DETECTION
CANINES.**

Be it enacted by the Senate and House of Representatives in General
Assembly convened:

1 Section 1. Section 54-36g of the general statutes is repealed and the
2 following is substituted in lieu thereof (*Effective October 1, 2008*):

3 (a) At any time after the seizure of a controlled drug or a controlled
4 substance, as defined in subdivision (8) or (9) of section 21a-240, or
5 drug paraphernalia, as defined in subdivision (20) of section 21a-240,
6 in connection with a criminal arrest or pursuant to a search warrant
7 without an arrest, the prosecuting official of the court for the
8 geographical area in which the criminal offense is alleged to have been
9 committed may petition the court for destruction of such controlled
10 drug, controlled substance or drug paraphernalia. After notice, by
11 certified or registered mail to the defendant and his attorney, and
12 hearing on the petition, the court may order (1) the forfeiture and
13 destruction of such controlled drug, controlled substance or drug
14 paraphernalia, under procedures and to the extent determined by the
15 court, [or order it delivered] (2) the delivery of such drug, substance or

16 paraphernalia to the Commissioner of Consumer Protection as soon as
17 possible, or (3) the transfer of such drug or substance to a person or
18 entity that holds both a state and federal license to possess, transport
19 and control such drug or substance, for the purpose of training
20 narcotic detection canines. Such order shall be in writing and shall
21 provide for the analysis of representative samples of such controlled
22 drug, controlled substance or drug paraphernalia. The results of such
23 analysis shall be recorded on a certificate signed by the person making
24 the analysis, witnessed and acknowledged pursuant to section 1-29.
25 Such certificate shall be prima facie evidence of the composition and
26 quality of such controlled drug, controlled substance or drug
27 paraphernalia.

28 (b) Upon final disposition of the criminal action or, if there is no
29 criminal action, at any time upon motion of the prosecuting official, the
30 court shall order the destruction of any controlled drug, controlled
31 substance or drug paraphernalia not previously destroyed pursuant to
32 an order under subsection (a) of this section, [or] order it delivered to
33 the Commissioner of Consumer Protection as soon as possible, or
34 order it transferred to a person or entity that holds both a state and
35 federal license to possess, transport and control such drug or
36 substance, for the purpose of training narcotic detection canines.

37 (c) The law enforcement agency seizing the controlled drug,
38 controlled substance or drug paraphernalia shall keep a full and
39 complete record of the time and place where such controlled drug,
40 controlled substance or drug paraphernalia was seized, the kinds,
41 quantities and weight of drugs received, by whom the controlled drug,
42 controlled substance or drug paraphernalia were delivered and
43 received and the date and manner of destruction or disposition of such
44 controlled drug, controlled substance or drug paraphernalia. Such
45 record and the certificate of the results of the analysis shall be
46 disclosed only to attorneys of record in the case, the defendant and to
47 federal and state officers charged with enforcement of federal and state
48 narcotic laws.

This act shall take effect as follows and shall amend the following sections:

Section 1	<i>October 1, 2008</i>	54-36g
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PS

Joint Favorable C/R

JUD