

HOUSE BILL NO. HB0151

Controlled Substances Act-amendments.

Sponsored by: Representative(s) Landon and Senator(s)
Hanes

A BILL

for

1 AN ACT relating to the Wyoming Controlled Substances Act;
2 authorizing the attorney general to approve disposal of
3 bulk quantities of controlled substances after collecting a
4 representative sample for testing and evidentiary purposes;
5 providing for the destruction of controlled substances
6 without a district court order as specified; requiring
7 rulemaking; and providing for an effective date.

8

9 *Be It Enacted by the Legislature of the State of Wyoming:*

10

11 **Section 1.** W.S. 35-7-1049(e)(vi) is amended to read:

12

13 **35-7-1049. Forfeitures and seizures generally;**
14 **property subject to forfeiture.**

15

1 (e) When property is forfeited under this act, the
2 commissioner may:

3
4 (vi) Authorize any law enforcement officer to
5 apply to the district court with jurisdiction for an order
6 providing for destruction of the contraband controlled
7 substances or paraphernalia if no longer necessary for
8 evidentiary purposes, provided, however, that a district
9 court order shall not be necessary for the division of
10 criminal investigation to destroy quantities of contraband
11 controlled substances after the division has tested random
12 samples. The division of criminal investigation shall
13 adopt rules necessary to operate a program to destroy bulk
14 quantities of contraband controlled substances, which shall
15 include:

16
17 (A) The photographing and videotaping of
18 the entire bulk amount of seized contraband controlled
19 substances to maintain its evidentiary value and to create
20 exhibits for use in legal proceedings;

21
22 (B) The extraction of ten (10) random
23 samples from the entire bulk amount of seized contraband
24 controlled substances for laboratory analysis;

1

2

3

4

5

6

7

8

9

10

11

12

13

14

15

16

17

18

19

20

21

22

23

(C) A weighing on properly calibrated scales of both the bulk amount of seized contraband controlled substances and the representative samples;

(D) The additional retention of:

(I) Five (5) ounces of organic material if the controlled substance is marihuana or a substance of similar organic composition;

(II) Five (5) grams of a controlled substance in powdered or crystalline form;

(III) Five-tenths (0.5) of a gram of a controlled substance in liquid form;

(IV) An amount sufficient for testing by experts shall be made available from the additionally retained sample for the purpose of defending criminal charges arising from the possession, use or sale of the controlled substance.

1 (E) After the testing and retention of
2 samples specified in this paragraph, the commissioner or
3 his designee may order the destruction of the bulk amount
4 of the seized contraband controlled substance in excess of
5 the representative sample and the additional retained
6 samples of the seized contraband controlled substance;

7
8 (F) Once the representative samples and the
9 additional retained samples of the contraband controlled
10 substance are no longer necessary for evidentiary purposes,
11 any law enforcement officer, upon authorization from the
12 commissioner, may apply to the district court with
13 jurisdiction for an order providing for the destruction of
14 the remaining contraband controlled substance.

15
16 **Section 2.** This act is effective immediately upon
17 completion of all acts necessary for a bill to become law
18 as provided by Article 4, Section 8 of the Wyoming
19 Constitution.

20
21 (END)