

2940 **evidence.**

2941 (1) An agency is not required to retain evidence of a misdemeanor offense under
2942 Section 77-11c-201 if:

2943 (a) (i) the agency determines that:

2944 (A) the size, bulk, or physical character of the evidence renders retention
2945 impracticable; or

2946 (B) the evidence poses a security or safety problem for the agency;

2947 (ii) the agency preserves sufficient evidence of the property, contraband, item, or
2948 substance for use as evidence in a prosecution of the offense in accordance with this section;

2949 (iii) the agency sends a written request under Subsection 77-11c-203(1) to the
2950 prosecuting attorney for permission to release or dispose of the evidence; and

2951 (iv) the prosecuting attorney grants the agency's written request in accordance with
2952 Section 77-11c-203;

2953 (b) a court orders the agency to return evidence that is property to a claimant under
2954 Section 77-11a-305; or

2955 (c) the evidence is wildlife or parts of wildlife.

2956 (2) (a) Subsection (1) does not require an agency to return or dispose of evidence of a
2957 misdemeanor offense.

2958 (b) Subsection (1)(a) does not apply when the release or disposal of evidence of a
2959 misdemeanor offense is in compliance with a memorandum of understanding between the
2960 agency and the prosecuting attorney.

2961 (3) If evidence is a controlled substance, an agency shall preserve sufficient evidence
2962 under Subsection (1)(a)(ii) of the controlled substance by:

2963 (a) collecting and preserving a sample of the controlled substance and a sample of
2964 biological evidence from the controlled substance for independent testing and use as evidence;

2965 (b) taking a photographic or video record of the controlled substance with identifying
2966 case numbers;

2967 (c) ~~H→ [completing a written report of a chemical analysis of the controlled substance]~~
2967a **maintaining a written report of a chemical analysis of the controlled substance if a chemical**
2967b **analysis was performed by the agency ←H ; and**

2968 (d) if the controlled substance exceeds 10 pounds, retain at least one pound of the
2969 controlled substance that is randomly selected from the controlled substance.

2970 (4) If evidence is drug paraphernalia, an agency shall preserve sufficient evidence