§ 715.10 Pretrial motion to destroy dangerous drugs.

1. Subject to the limitations in paragraph (b) of subdivision two hereof a district attorney may move in a superior court for an order of destruction of the dangerous drugs in felony cases involving the possession or sale of such drugs.

2. A motion for an order of destruction of dangerous drugs shall be in writing, have attached thereto a copy of the report of analysis and shall be made in the following manner:

(a) Ex parte; where no defendants have been arrested in connection with the seizure of such drugs and a showing is made upon affidavit that the likelihood of any future arrest in connection therewith is nonexistent; or

(b) Upon notice, when a defendant has been arraigned in a superior court upon an indictment charging him with a felony involving the possession or sale of a dangerous drug and the dangerous drugs sought to be destroyed are material to the prosecution of said indictment.

3. When such motion is ex parte, the court may order the destruction of all or part of the subject drugs.

4. When such motion is upon notice, further proceedings shall be had as provided in section 715.20 hereof.