## MAINE STATE LEGISLATURE

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ON	E HUNDRED	AND ELEVENTH	LEGISLATURE	
Legislative Do	ocument			No. 878
S.P. 290			In Senate, Februa	ry 24, 1983
Referred to ordered printed		e on Judiciary. Se	ent down for concur	rence and
		JOY J. O'	BRIEN, Secretary of	the Senate
Presented by S	enator Trafton	of Androscoggin		
	S	TATE OF MAIN	E	
1		E YEAR OF OU UNDRED AND E		
Susp	ension Law	, the Habitu	erating after al Offender La y the Defendan	w .t.
Be it enac follows:	ted by the	People of t	he State of Ma	ine as
		A §2184, su , is amended	b-§1-B, as ena to read:	cted by
section 13 cution pu defendant statement on an oper	12, subsects as to his as to his ator's lice	tion 8-A, sh this sectio name or date s name or da	te of birth co ered by him, s	prose- ent by a or any entained shall be
statement	shall	constitute	sufficient pr corpus delic	oof by
		or date of		

## Sec. 2. 29 MRSA §2298-B is enacted to read:

## §2298-B. Statements by accused

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The provisions of section 1312, subsection 8-A, shall apply in a prosecution pursuant to this chapter or former chapter 18. Any statement by a defendant as to his name or date of birth, or any statement as to his name or date of birth contained on an operator's license surrendered by him, shall be admissible in a proceding under this chapter or former chapter 18. The statement shall constitute sufficient proof by itself, without further proof of corpus delicti, of the defendant's name or date of birth.

## STATEMENT OF FACT

The purpose of this bill is to counter what may be called the "date of birth defense" used in prosecutions for operating a motor vehicle after suspension and under the habitual offender law. The defense arises when a prosecutor attempts to introduce the defendant's statement as to his date of birth, or the date of birth on the license surrendered to a police officer by the defendant. The prosecutor's purpose is show that the defendant is the same person named in the Secretary of State's certificate stating that the person's license is under suspension or that the person has committed previous offenses involving operating a motor vehicle. The defendant objects on the grounds that the prosecutor must have independent proof that the crime has occurred before relying the defendant's admission, that it must introduce proof of corpus delicti. In some prosecutions this objection has been sustained and the charges have been dismissed.

This bill adds provisions to the operating after suspension law and the habitual offender law to permit the prosecution to use statements by the defendant, or on his license, to establish the defendant's identity without further proof of corpus delicti.

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