

1 SB260
2 115201-1
3 By Senator Smith
4 RFD: Judiciary
5 First Read: 14-JAN-10

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8 SYNOPSIS: Under existing law, a plea of nolo
9 contendere or no contest cannot be used as a plea
10 to a criminal charge. Also, under existing law, a
11 criminal conviction from another state which is
12 based upon a plea of nolo contendere is not
13 admissible in Alabama as are other criminal
14 convictions.

15 This bill would provide that a conviction in
16 another state based on a plea of nolo contendere or
17 no contest would be admissible for impeachment
18 purposes to the same extent as other criminal
19 convictions. This bill would provide that a felony
20 criminal conviction based on a plea of nolo
21 contendere or no contest in another state would be
22 used for sentence enhancement purposes under the
23 Habitual Offender Act. The bill would also provide
24 that a plea of nolo contendere or no contest for
25 certain offenses in another state would be used as
26 an aggravating circumstance upon a conviction of
27 capital murder. The bill would also specify that a

1 plea of nolo contendere or no contest is not
2 available in this state to any person charged with
3 a crime.

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5 A BILL
6 TO BE ENTITLED
7 AN ACT
8

9 Relating to criminal convictions based upon a plea
10 of nolo contendere or no contest; to provide that a felony
11 conviction in another state based upon a plea of nolo
12 contendere or no contest is admissible to the same extent as
13 other criminal convictions; to provide that a plea of nolo
14 contendere or no contest in another state would be considered
15 equivalent to a conviction under the Habitual Offender Act; to
16 provide that a plea of nolo contendere or no contest for
17 certain offenses in another state would be used as an
18 aggravating circumstance upon a conviction of capital murder;
19 and to specify that a plea of nolo contendere or no contest is
20 not available in this state to any person charged with a
21 crime.

22 BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

23 Section 1. This article shall be known and cited as
24 the "Lisa Marie Nichols Justice for Victims Act."

25 Section 2. (a) A plea of nolo contendere or no
26 contest in another state, regardless of whether adjudication
27 is withheld, is admissible for impeachment purposes to the

1 same extent as a conviction based upon a plea, judgment, or
2 verdict of guilt.

3 (b) A plea of nolo contendere or no contest in
4 another state, regardless of whether adjudication is withheld,
5 shall be used under the Habitual Offender Act, Section
6 13A-5-9, Code of Alabama 1975, for the purposes of sentence
7 enhancement.

8 (c) A plea of nolo contendere or no contest in
9 another state, regardless of whether adjudication is withheld,
10 shall be used under Section 13A-5-49(2), Code of Alabama 1975,
11 as an aggravating circumstance upon a conviction for capital
12 murder if the plea was entered for a capital offense or a
13 felony involving the use or threat of violence to the person.

14 (d) Except as provided in subsections (a) and (b) of
15 this section or as otherwise specifically provided by statute,
16 the courts of this state shall treat a plea of nolo contendere
17 or no contest in accordance with the law of the jurisdiction
18 in which the plea was made.

19 (e) A plea of nolo contendere is not available in
20 this state to any person charged with a crime.

21 Section 3. All laws or parts of laws which conflict
22 with this act are repealed.

23 Section 4. This act shall become effective on the
24 first day of the third month following its passage and
25 approval by the Governor, or its otherwise becoming law.