- 1 HB262
- 2 147153-2
- 3 By Representatives England and Poole
- 4 RFD: Judiciary
- 5 First Read: 12-FEB-13

1	ENGROSSED
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3	
4	A BILL
5	TO BE ENTITLED
6	AN ACT
7	
8	To amend Section 13A-5-42, Code of Alabama 1975,
9	relating to capital offenses; to limit the state's existing
10	requirement of proving a defendant's guilt, notwithstanding
11	the defendant's guilty plea, to cases in which the death
12	penalty is to be imposed.
13	BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:
14	Section 1. Section 13A-5-42, Code of Alabama 1975,
15	is amended to read as follows:
16	"§13A-5-42.
17	"A defendant who is indicted for a capital offense
18	may plead guilty to it, but the state must in any event, only
19	in cases where the death penalty is to be imposed, must prove
20	the defendant's guilt of the capital offense beyond a
21	reasonable doubt to a jury. The guilty plea may be considered
22	in determining whether the state has met that burden of proof.
23	<u>The</u> <del>In cases where either the death penalty or life without</del>
24	the possibility of parole is to be imposed, the guilty plea
25	shall have the effect of waiving all non-jurisdictional
26	defects in the proceeding resulting in the conviction except
27	the sufficiency of the evidence. A defendant convicted of a

capital offense after pleading guilty to it shall be sentenced
according to the provisions of Section 13A-5-43(d)."

3 Section 2. This act shall become effective on the 4 first day of the third month following its passage and 5 approval by the Governor, or its otherwise becoming law.

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3	House of Representatives
4 5 6 7	Read for the first time and re- ferred to the House of Representa- tives committee on Judiciary
8 9 10	Read for the second time and placed on the calendar 1 amendment
10 11 12 13	Read for the third time and passed as amended 25-APR-13 Yeas 102, Nays 0, Abstains 0
14 15 16	Jeff Woodard Clerk

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