

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

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8 SYNOPSIS: Under existing law, a defendant who is
9 indicted for a capital offense may plead guilty,
10 but the state must in any event prove to a jury the
11 defendant's guilt of the capital offense beyond a
12 reasonable doubt.

13 Under existing law, a guilty plea to a
14 capital offense has the effect of waiving all
15 non-jurisdictional defects in the proceeding
16 resulting in the conviction except the sufficiency
17 of the evidence.

18 This bill would limit the state's existing
19 requirement of proving a defendant's guilt,
20 notwithstanding the defendant's guilty plea, to
21 cases in which the death penalty is to be imposed.

22 This bill would provide that a guilty plea
23 to a capital offense has the effect of waiving all
24 non-jurisdictional defects in the proceeding
25 resulting in the conviction only in cases where
26 either the death penalty or life without the
27 possibility of parole is to be imposed.

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2 A BILL
3 TO BE ENTITLED
4 AN ACT
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6 To amend Section 13A-5-42, Code of Alabama 1975,
7 relating to capital offenses; to limit the state's existing
8 requirement of proving a defendant's guilt, notwithstanding
9 the defendant's guilty plea, to cases in which the death
10 penalty is to be imposed; and to provide that a guilty plea to
11 a capital offense has the effect of waiving all
12 non-jurisdictional defects in the proceeding resulting in the
13 conviction only in cases where either the death penalty or
14 life without the possibility of parole is to be imposed.

15 BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

16 Section 1. Section 13A-5-42, Code of Alabama 1975,
17 is amended to read as follows:

18 "§13A-5-42.

19 "A defendant who is indicted for a capital offense
20 may plead guilty to it, but the state ~~must in any event, only~~
21 in cases where the death penalty is to be imposed, must prove
22 the defendant's guilt of the capital offense beyond a
23 reasonable doubt to a jury. The guilty plea may be considered
24 in determining whether the state has met that burden of proof.
25 ~~The~~ In cases where either the death penalty or life without
26 the possibility of parole is to be imposed, the guilty plea
27 shall have the effect of waiving all non-jurisdictional

1 defects in the proceeding resulting in the conviction except
2 the sufficiency of the evidence. A defendant convicted of a
3 capital offense after pleading guilty to it shall be sentenced
4 according to the provisions of Section 13A-5-43(d)."

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