

**HB226 ENROLLED**



1 HB226  
2 L5NDPAW-3  
3 By Representatives Colvin, Faulkner, Simpson  
4 RFD: Judiciary  
5 First Read: 14-Jan-26



## HB226 Enrolled

1 Enrolled, An Act,

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3 Relating to crimes and offenses; to amend Section  
4 13A-5-9, Code of Alabama 1975, to further provide for the  
5 meaning of nolo contendere pleas for purposes of the habitual  
6 offender law.

7 BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

8 Section 1. Section 13A-5-9, Code of Alabama 1975, is  
9 amended to read as follows:

10 "§13A-5-9

11 (a) In all cases when it is shown that a criminal  
12 defendant has been previously convicted of a Class A, Class B,  
13 or Class C felony and after the conviction has committed  
14 another Class A, Class B, or Class C felony, he or she must be  
15 punished as follows:

16 (1) On conviction of a Class C felony, he or she must  
17 be punished for a Class B felony.

18 (2) On conviction of a Class B felony, he or she must  
19 be punished for a Class A felony.

20 (3) On conviction of a Class A felony, he or she must  
21 be punished by imprisonment for life or for any term of not  
22 more than 99 years but not less than 15 years.

23 (b) In all cases when it is shown that a criminal  
24 defendant has been previously convicted of any two felonies  
25 that are Class A, Class B, or Class C felonies and after such  
26 convictions has committed another Class A, Class B, or Class C  
27 felony, he or she must be punished as follows:

28 (1) On conviction of a Class C felony, he or she must



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29 be punished for a Class A felony.

30 (2) On conviction of a Class B felony, he or she must  
31 be punished by imprisonment for life or for any term of not  
32 more than 99 years but not less than 15 years.

33 (3) On conviction of a Class A felony, he or she must  
34 be punished by imprisonment for life or for any term of not  
35 less than 99 years.

36 (c) In all cases when it is shown that a criminal  
37 defendant has been previously convicted of any three felonies  
38 that are Class A, Class B, or Class C felonies and after such  
39 convictions has committed another Class A, Class B, or Class C  
40 felony, he or she must be punished as follows:

41 (1) On conviction of a Class C felony, he or she must  
42 be punished by imprisonment for life or for any term of not  
43 more than 99 years but not less than 15 years.

44 (2) On conviction of a Class B felony, he or she must  
45 be punished by imprisonment for life or any term of not less  
46 than 20 years.

47 (3) On conviction of a Class A felony, where the  
48 defendant has no prior convictions for any Class A felony, he  
49 or she must be punished by imprisonment for life or life  
50 without the possibility of parole, in the discretion of the  
51 trial court.

52 (4) On conviction of a Class A felony, where the  
53 defendant has one or more prior convictions for any Class A  
54 felony, he or she must be punished by imprisonment for life  
55 without the possibility of parole.

56 (d) In all cases when it is shown that a criminal



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57 defendant has been previously convicted of any two or more  
58 felonies that are Class A or Class B felonies and after such  
59 convictions has committed a Class D felony, upon conviction,  
60 he or she must be punished for a Class C felony.

61 (e) In all cases when it is shown that a criminal  
62 defendant has been previously convicted of any three or more  
63 felonies and after such convictions has committed a Class D  
64 felony, upon conviction, he or she must be punished for a  
65 Class C felony.

66 (f) For purposes of this section, "convicted" includes  
67 any conviction from this state or out of this state, and a  
68 conviction based on a plea of nolo contendere, a plea of no  
69 contest, a best interests plea, or an Alford plea shall be  
70 treated in the same manner as a conviction based on a plea of  
71 guilty unless any of the foregoing pleas has been expunged."

72 Section 2. This act shall become effective on October  
73 1, 2026.

