

HB226 INTRODUCED



1 HB226
2 848M8HF-1
3 By Representatives Colvin, Faulkner, Simpson
4 RFD: Judiciary
5 First Read: 14-Jan-26



SYNOPSIS:

Under existing law, when a defendant in a criminal case enters a plea of nolo contendere, the plea is treated as a plea of guilty for purposes of the case only; however, the plea has no effect on future cases.

This bill would provide that for purposes of the habitual offender law, a prior conviction includes both in-state and out-of-state convictions, and a plea of nolo contendere is treated as if the defendant entered a plea of guilty.

A BILL
TO BE ENTITLED
AN ACT

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

BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

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

"§13A-5-9



HB226 INTRODUCED

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

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

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

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

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

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

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

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

(c) In all cases when it is shown that a criminal defendant has been previously convicted of any three felonies that are Class A, Class B, or Class C felonies and after such



HB226 INTRODUCED

convictions has committed another Class A, Class B, or Class C felony, he or she must be punished as follows:

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

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

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

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

(d) In all cases when it is shown that a criminal defendant has been previously convicted of any two or more felonies that are Class A or Class B felonies and after such convictions has committed a Class D felony, upon conviction, he or she must be punished for a Class C felony.

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

(f) For purposes of this section, "convicted" includes



HB226 INTRODUCED

any conviction from this state or out of this state, and a conviction based on a plea of nolo contendere shall be treated in the same manner as a conviction based on a plea of guilty."

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