

HB226 INTRODUCED



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



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4 SYNOPSIS:

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

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

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17 A BILL
18 TO BE ENTITLED
19 AN ACT

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21 Relating to crimes and offenses; to amend Section
22 13A-5-9, Code of Alabama 1975, to further provide for the
23 meaning of nolo contendere pleas for purposes of the habitual
24 offender law.

25 BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

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

28 "§13A-5-9



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

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

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

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



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

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

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

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

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

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

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

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



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

88 Section 2. This act shall become effective on October
89 1, 2026.