

**House Judiciary Reported Substitute for HB226**

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5 A BILL

6 TO BE ENTITLED

7 AN ACT

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9 Relating to crimes and offenses; to amend Section
10 13A-5-9, Code of Alabama 1975, to further provide for the
11 meaning of nolo contendere pleas for purposes of the habitual
12 offender law.

13 BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

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

16 "§13A-5-9

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

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

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

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



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

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

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

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57 trial court.

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

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

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

72 (f) For purposes of this section, "convicted" includes
73 any conviction from this state or out of this state, and a
74 conviction based on a plea of nolo contendere, a plea of no
75 contest, a best interests plea, or an Alford plea shall be
76 treated in the same manner as a conviction based on a plea of
77 guilty."

78 Section 2. This act shall become effective on October
79 1, 2026.