

1 HB295  
2 115201-1  
3 By Representative Ison  
4 RFD: Judiciary  
5 First Read: 14-JAN-10

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8 SYNOPSIS: Under existing law, a plea of nolo  
9 contendere or no contest cannot be used as a plea  
10 to a criminal charge. Also, under existing law, a  
11 criminal conviction from another state which is  
12 based upon a plea of nolo contendere is not  
13 admissible in Alabama as are other criminal  
14 convictions.

15 This bill would provide that a conviction in  
16 another state based on a plea of nolo contendere or  
17 no contest would be admissible for impeachment  
18 purposes to the same extent as other criminal  
19 convictions. This bill would provide that a felony  
20 criminal conviction based on a plea of nolo  
21 contendere or no contest in another state would be  
22 used for sentence enhancement purposes under the  
23 Habitual Offender Act. The bill would also provide  
24 that a plea of nolo contendere or no contest for  
25 certain offenses in another state would be used as  
26 an aggravating circumstance upon a conviction of  
27 capital murder. The bill would also specify that a

1 plea of nolo contendere or no contest is not  
2 available in this state to any person charged with  
3 a crime.

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5 A BILL  
6 TO BE ENTITLED  
7 AN ACT  
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9 Relating to criminal convictions based upon a plea  
10 of nolo contendere or no contest; to provide that a felony  
11 conviction in another state based upon a plea of nolo  
12 contendere or no contest is admissible to the same extent as  
13 other criminal convictions; to provide that a plea of nolo  
14 contendere or no contest in another state would be considered  
15 equivalent to a conviction under the Habitual Offender Act; to  
16 provide that a plea of nolo contendere or no contest for  
17 certain offenses in another state would be used as an  
18 aggravating circumstance upon a conviction of capital murder;  
19 and to specify that a plea of nolo contendere or no contest is  
20 not available in this state to any person charged with a  
21 crime.

22 BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

23 Section 1. This article shall be known and cited as  
24 the "Lisa Marie Nichols Justice for Victims Act."

25 Section 2. (a) A plea of nolo contendere or no  
26 contest in another state, regardless of whether adjudication  
27 is withheld, is admissible for impeachment purposes to the

1 same extent as a conviction based upon a plea, judgment, or  
2 verdict of guilt.

3 (b) A plea of nolo contendere or no contest in  
4 another state, regardless of whether adjudication is withheld,  
5 shall be used under the Habitual Offender Act, Section  
6 13A-5-9, Code of Alabama 1975, for the purposes of sentence  
7 enhancement.

8 (c) A plea of nolo contendere or no contest in  
9 another state, regardless of whether adjudication is withheld,  
10 shall be used under Section 13A-5-49(2), Code of Alabama 1975,  
11 as an aggravating circumstance upon a conviction for capital  
12 murder if the plea was entered for a capital offense or a  
13 felony involving the use or threat of violence to the person.

14 (d) Except as provided in subsections (a) and (b) of  
15 this section or as otherwise specifically provided by statute,  
16 the courts of this state shall treat a plea of nolo contendere  
17 or no contest in accordance with the law of the jurisdiction  
18 in which the plea was made.

19 (e) A plea of nolo contendere is not available in  
20 this state to any person charged with a crime.

21 Section 3. All laws or parts of laws which conflict  
22 with this act are repealed.

23 Section 4. This act shall become effective on the  
24 first day of the third month following its passage and  
25 approval by the Governor, or its otherwise becoming law.