

1 HB262
2 147153-3
3 By Representatives England and Poole
4 RFD: Judiciary
5 First Read: 12-FEB-13

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ENROLLED, An Act,

To amend Section 13A-5-42, Code of Alabama 1975, relating to capital offenses; to limit the state's existing requirement of proving a defendant's guilt, notwithstanding the defendant's guilty plea, to cases in which the death penalty is to be imposed.

BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

Section 1. Section 13A-5-42, Code of Alabama 1975, is amended to read as follows:

"§13A-5-42.

"A defendant who is indicted for a capital offense may plead guilty to it, but the state ~~must in any event, only~~ in cases where the death penalty is to be imposed, must prove the defendant's guilt of the capital offense beyond a reasonable doubt to a jury. The guilty plea may be considered in determining whether the state has met that burden of proof. ~~The In cases where either the death penalty or life without the possibility of parole is to be imposed, the~~ guilty plea shall have the effect of waiving all non-jurisdictional defects in the proceeding resulting in the conviction except the sufficiency of the evidence. A defendant convicted of a capital offense after pleading guilty to it shall be sentenced according to the provisions of Section 13A-5-43(d)."

1 Section 2. This act shall become effective on the
2 first day of the third month following its passage and
3 approval by the Governor, or its otherwise becoming law.

