

(2) (I) "STATE POSTCONVICTION REVIEW PROCESS" MEANS THE INITIAL ADJUDICATION OF A POSTCONVICTION PETITION FILED UNDER § 645A(A)(2)(I) OF THIS ARTICLE, INCLUDING ANY APPELLATE REVIEW OF THE POSTCONVICTION PROCEEDING.

(II) "STATE POSTCONVICTION REVIEW PROCESS" DOES NOT INCLUDE:

1. A POSTCONVICTION PROCEEDING THAT HAS BEEN REOPENED UNDER § 645A(A)(2)(II) OF THIS ARTICLE OR ANY APPELLATE REVIEW OF SUCH PROCEEDING; OR

2. A POSTCONVICTION PROCEEDING ON A SECOND PETITION FILED BEFORE OCTOBER 1, 1995 OR ANY APPELLATE REVIEW OF SUCH PROCEEDING.

(3) "WARRANT OF EXECUTION" MEANS A WARRANT FOR THE EXECUTION OF A PERSON WHO HAS BEEN SENTENCED TO DEATH.

(B) (1) When a person is sentenced to the punishment of death, the judge or judges presiding in the court shall, at the time of passing sentence, make out, sign and issue a warrant OF EXECUTION directed to the warden of the Maryland Penitentiary, stating the conviction and sentence and appointing a [week] 5-DAY PERIOD BEGINNING ON A MONDAY within which the sentence must be executed, and commanding the said warden to execute the sentence upon some day within the [week] PERIOD so appointed. [If a proceeding is instituted in any federal or State court to test the validity of the conviction, other than by an appeal to the Court of Special Appeals or on certiorari in the Court of Appeals, or if a proceeding is instituted in any State court under § 75A of this article to determine the incompetency of the defendant, the warrant shall remain in full force and effect unless the court, in which such proceeding is instituted, shall pass an order revoking the warrant. In any case in which a stay of execution has resulted by reason of an appeal to the Court of Special Appeals or on certiorari in the Court of Appeals after compliance with the requirements of Title 12 of the Courts Article on appeals in criminal cases and the judgment has been affirmed, and in any case in which the warrant has been revoked by the order of a court in a proceeding to test the validity of the conviction and the conviction has not been set aside, or in a proceeding under § 75A of this article in which the defendant has been found to be competent, the judge that imposed the sentence or the judge then presiding in the trial court in which the sentence was imposed shall make out, sign and issue another warrant of execution in the manner and to the effect hereinbefore prescribed.]

(2) A WARRANT OF EXECUTION SHALL BE STAYED DURING THE DIRECT REVIEW PROCESS AND THE STATE POSTCONVICTION REVIEW PROCESS.

(3) (I) IF THE ORIGINAL WARRANT OF EXECUTION HAS NOT YET EXPIRED AT THE CONCLUSION OF THE STATE POSTCONVICTION REVIEW PROCESS, THE JUDGE WHO IMPOSED THE DEATH SENTENCE OR THE JUDGE THEN PRESIDING IN THE TRIAL COURT IN WHICH THE SENTENCE WAS IMPOSED SHALL LIFT THE STAY IMPOSED UNDER PARAGRAPH (2) OF THIS SUBSECTION.