

(ii) That the incompetence arose since the prior finding of competence; and

(iii) The pertinent facts on which each opinion is based, including the facts that show the change in the inmate's condition since the prior finding.

(3) Proceedings on a petition under this subsection shall be in accordance with subsections (c) and (d) of this section.

(f) The form of petitions and all other pleadings, and except as otherwise provided in this section, the procedures to be followed by the circuit court in determining competency or incompetency and by the Court of Appeals in reviewing applications for leave to appeal shall be as specified in the Maryland Rules.

(g) This section does not affect the power of the Governor to stay execution of a death sentence under § 75(c) of this article or to commute a sentence under Article 41, § 4-513 of the Code.

412.

(a) If a person is found guilty of murder, the court or jury that determined the person's guilt shall state in the verdict whether the person is guilty of murder in the first degree or murder in the second degree.

(b) Except as provided under subsection (f) of this section, a person found guilty of murder in the first degree shall be sentenced to death, imprisonment for life, or imprisonment for life without the possibility of parole. The sentence shall be imprisonment for life unless: (1) (i) the State notified the person in writing at least 30 days prior to trial that it intended to seek a sentence of death, and advised the person of each aggravating circumstance upon which it intended to rely, and (ii) a sentence of death is imposed in accordance with § 413; or (2) the State notified the person in writing at least 30 days prior to trial that it intended to seek a sentence of imprisonment for life without the possibility of parole under § 412 or § 413 of this article.

~~(C) THE 30 DAY DEADLINE ESTABLISHED UNDER SUBSECTION (B) OF THIS SECTION FOR PROVISION OF NOTICE OF INTENT TO SEEK A SENTENCE OF DEATH OR NOTICE OF INTENT TO SEEK A SENTENCE OF LIFE WITHOUT THE POSSIBILITY OF PAROLE SHALL APPLY TO ANY TRIAL DATE SO AS TO PERMIT THE STATE TO COMPLY WITH THE DEADLINE BY PROVIDING NOTICE AT LEAST 30 DAYS PRIOR TO A TRIAL DATE EVEN IF THE STATE DID NOT PROVIDE NOTICE AT LEAST 30 DAYS PRIOR TO A PREVIOUSLY SCHEDULED TRIAL DATE.~~

~~(D) (1) IF A STATE'S ATTORNEY FILES OR WITHDRAWS A NOTICE OF INTENT TO SEEK A SENTENCE OF DEATH, THE STATE'S ATTORNEY SHALL FILE A COPY OF THE NOTICE OR WITHDRAWAL WITH THE CLERK OF THE COURT OF APPEALS.~~

~~(2) THE VALIDITY OF A NOTICE OF INTENT TO SEEK A SENTENCE OF DEATH THAT IS SERVED ON A DEFENDANT IN A TIMELY MANNER SHALL IN NO WAY BE AFFECTED BY THE STATE'S ATTORNEY'S FAILURE TO FILE A COPY OF THE DEATH NOTICE IN A TIMELY MANNER WITH THE CLERK OF THE COURT OF APPEALS.~~