

(4) THE SENTENCE IS OTHERWISE SUBJECT TO COLLATERAL ATTACK ON A GROUND OF ALLEGED ERROR THAT WOULD OTHERWISE BE AVAILABLE UNDER A WRIT OF HABEAS CORPUS, WRIT OF CORAM NOBIS, OR OTHER COMMON LAW OR STATUTORY REMEDY.

(B) REQUIREMENTS TO BEGIN PROCEEDING.

A PERSON MAY BEGIN A PROCEEDING UNDER THIS TITLE IF:

(1) THE PERSON SEEKS TO SET ASIDE OR CORRECT THE JUDGMENT OR SENTENCE; AND

(2) THE ALLEGED ERROR HAS NOT BEEN PREVIOUSLY AND FINALLY LITIGATED OR WAIVED IN THE PROCEEDING RESULTING IN THE CONVICTION OR IN ANY OTHER PROCEEDING THAT THE PERSON HAS TAKEN TO SECURE RELIEF FROM THE PERSON'S CONVICTION.

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 27, § 645A(a)(1), except as it related to convicted persons who are confined, on parole, or on probation, and part of the second sentence of (e), as that sentence related to the filing of a petition for relief.

In the introductory language of subsections (a) and (b) of this section, the reference to "begin" is substituted for the former references to "institute" and "fil[e]" for conformity.

In the introductory language of subsection (a) of this section, the reference to "Subtitle 2 of this title" is substituted for the former reference to "paragraph[s] ... (3) of this subsection" to reflect the placement of the provision applying only to death penalty cases in Subtitle 2 of this title.

Also in the introductory language of subsection (a) of this section, the phrase "in which the conviction took place" is added for clarity.

Defined terms: "County" § 1-101

"Person" § 1-101

7-103. NUMBER AND TIME OF FILING OF PETITIONS.

(A) ONLY ONE PETITION ALLOWED.

FOR EACH TRIAL OR SENTENCE, A PERSON MAY FILE ONLY ONE PETITION FOR RELIEF UNDER THIS TITLE.

(B) 10-YEAR FILING PERIOD.

(1) UNLESS EXTRAORDINARY CAUSE IS SHOWN, IN A CASE IN WHICH A SENTENCE OF DEATH HAS NOT BEEN IMPOSED, A PETITION UNDER THIS SUBTITLE MAY NOT BE FILED MORE THAN 10 YEARS AFTER THE SENTENCE WAS IMPOSED.

(2) IN A CASE IN WHICH A SENTENCE OF DEATH HAS BEEN IMPOSED, SUBTITLE 2 OF THIS TITLE GOVERNS THE TIME OF FILING A PETITION.