

78B-9-102 Replacement of prior remedies.

- (1) This chapter establishes the sole remedy for any person who challenges a conviction or sentence for a criminal offense and who has exhausted all other legal remedies, including a direct appeal except as provided in Subsection (2). This chapter replaces all prior remedies for review, including extraordinary or common law writs. Proceedings under this chapter are civil and are governed by the rules of civil procedure. Procedural provisions for filing and commencement of a petition are found in Rule 65C, Utah Rules of Civil Procedure.
- (2) This chapter does not apply to:
 - (a) habeas corpus petitions that do not challenge a conviction or sentence for a criminal offense;
 - (b) motions to correct a sentence pursuant to Rule 22(e), Utah Rules of Criminal Procedure; or
 - (c) actions taken by the Board of Pardons and Parole.

Renumbered and Amended by Chapter 3, 2008 General Session

Amended by Chapter 288, 2008 General Session