

which the defendant is able to pay, or may direct that the defendant be imprisoned until the fine (or any portion of it remaining unpaid or remaining undischarged after a pro rata credit for any time which may already have been served in lieu of payment) is paid; and the court shall determine and specify, in the light of the defendant's situation and means and of his conduct with regard to the nonpayment of the fine, the period of any imprisonment in default of payment of the fine, subject to the following limitations:

(1) In no event shall such period of imprisonment exceed one day for each ten dollars (\$10.00) of the fine.

(2) Where the fine was imposed for an offense subject to punishment by imprisonment or fine, or both, such period shall not exceed one-third of the maximum term authorized by statute or ordinance for such offense or ninety (90) days, whichever may be less.

(3) Where the fine is imposed for an offense for which imprisonment is not an authorized penalty (whether by statute or ordinance or by common law) in the absence of default in payment of a fine, such period shall not exceed fifteen days.

(4) ~~where~~ WHERE a sentence of imprisonment as well as a fine was imposed, the aggregate of such term and of the original sentence of imprisonment shall not exceed the maximum authorized term of imprisonment.

(c) Unless discharged by payment or service of imprisonment in default of a fine, a fine may be collected in the same manner as a judgment in a civil action. Costs may be collected in the same manner as a judgment in a civil action, but shall not be deemed part of the penalty, and no person shall be imprisoned under this section in default of payment of costs.

(d) All periods of confinement imposed under the provisions of this section because of nonpayment of two or more fines [and costs] shall run concurrently unless it shall be specified by the court [or justice of the peace] that said periods shall run consecutively.

SEC. 3. *And be it further enacted*, That Sections 113(b) and (c) of Article 26 of the Annotated Code of Maryland (1966 Replacement Volume and 1968 Supplement), title "Courts," subtitle "Municipal Court of Baltimore City" are repealed and re-enacted, with amendments, to read as follows:

113.

(b) Nonpayment of fine.—The court shall have the power to commit any person to jail for nonpayment of any fine [and costs,] however payable, as provided in Article 38, Section 4, Annotated Code. Any judge of the court or any one of the court clerks shall have the power, upon suitable written order to the warden or other custodian, to release any person committed for nonpayment of any fine [and costs], at any time after commitment, upon payment of the fine [and costs] imposed, provided, however, that a *pro rata* credit [of one dollar (\$1.00)] for [each day of] imprisonment actually served shall be deducted from the payment herein specified.

(c) Installment payments of fine.—The court shall have power, in its discretion, *in accordance with Article 38, Section 4*, to order