

centers had the effect of extending the 18-month limitation on sentences to regional detention centers to single county facilities as well.

At the suggestion of the Division of Correction, the House Judiciary Committee amended the bill to raise the minimum sentence to the Division so that all prisoners sentenced to one year or less would be sent to local detention centers. That increase was to be phased in over four years. The amendments also provided that the State would reimburse the local jurisdictions for the time between three months and one year that a prisoner sentenced between three and eighteen months spent in a local detention center.

On the Senate side, the Judicial Proceedings Committee introduced amendments based on those suggested by Baltimore City. Under those amendments, if the State did not provide 100% of the funds for certain new facilities in Baltimore City and Baltimore County by July 1, 1986, then any prisoners sentenced to one of those jurisdictions for more than six months whose confinement would cause the rated capacity of the existing facilities to be exceeded would be transferred to the Division. This provision was apparently keyed to paragraph (c)(1), which provides that as of July 1, 1986, no sentence to the jurisdiction of the Division could be for six months or less.

However, the Judicial Proceedings Committee amendments were withdrawn and amendments prepared by the Senate Budget and Taxation Committee were substituted. The new amendments differed from the Judicial Proceedings Committee amendments in a number of respects. First, they applied to all counties, not just to Baltimore City and Baltimore County. Second, they created a procedure and standards for State-financed local facilities made necessary by the bill. Finally, the new amendments provided for transfer of "prisoners sentenced under subsection (c)" 2/ if their confinement would cause the rated capacity of the local detention center to be exceeded.

A question has arisen with respect to the interpretation of the words "prisoners sentenced under subsection (c)." 3/ The question is of some importance because at least one local detention center is now operating at or over its rated capacity and could be in a position to transfer any prisoners allowed by this provision to be transferred to the jurisdiction of the Division. While the matter is not free from doubt, it is our view that this provision will have the effect of overriding the phase-in of higher minimum sentences to the Division in jurisdictions where existing facilities are at their rated capacity.

Subsection (c) contains three paragraphs. The first sets the minimum sentences for the Division of Correction, thus by implication designating some sentences which must be directed to local detention centers. The second provides for reimbursement