

TERM "ACTUAL NUMBER OF PRISONER DAYS" MEANS THE NUMBER OF TOTAL PRISONER DAYS SERVED BY PRISONERS WHO ARE SENTENCED DURING THE FISCAL YEAR FOR MORE THAN 3 MONTHS AND 12 MONTHS OR LESS.

(II) 1. FOR FISCAL YEAR 1987 AND EACH FISCAL YEAR THEREAFTER, THE SECRETARY SHALL DETERMINE FOR EACH COUNTY AND BALTIMORE CITY THE DIFFERENCE BETWEEN THE ACTUAL NUMBER OF PRISONER DAYS FOR THE PRIOR FISCAL YEAR AND THE AVERAGE NUMBER OF PRISONER DAYS AND MULTIPLY THIS NUMBER OF PRISONER DAYS, IF POSITIVE, BY 85 PERCENT OF THE RATE OF REIMBURSEMENT SET FORTH IN SUBSECTION (G) OF THIS SECTION.

2. IF THIS AMOUNT IS GREATER THAN THE AMOUNT OF REIMBURSEMENT PURSUANT TO PARAGRAPH (2) OF THIS SUBSECTION, THIS AMOUNT SHALL BE REIMBURSED TO THE COUNTY OR BALTIMORE CITY FOR THE FISCAL YEAR.

(d) Whenever in this article or any other law reference is made to the sentencing or confinement of prisoners to any of the institutions enumerated in § 689, such reference shall be construed to mean sentencing or confinement to the jurisdiction of the Division rather than to any particular institution or facility of the Division.

(e) The Commissioner of Correction may transfer minimum security inmates to county or Baltimore City detention facilities for participation in community-oriented correctional programs, by mutual agreement with Baltimore City or the counties involved.

(f) The Commissioner of Correction may accept transfer of inmates or pretrial defendants from a county or Baltimore City detention facility if such person to be transferred requires specialized treatment of behavior or medical problems, or requires maximum security detention, and the county or Baltimore City facility is not equipped to properly provide the necessary treatment or detention.

(g) (1) When formulating an agreement for reimbursement of a county or Baltimore City for the confinement of prisoners in local facilities who have been sentenced to the jurisdiction of the Division of Correction, AND PRISONERS SENTENCED TO LOCAL DETENTION CENTERS WITH SENTENCES OF MORE THAN 3 MONTHS AND NOT MORE THAN 18 MONTHS, the Division shall use the total actual annual operating costs of that local facility for the previous fiscal year divided by the total actual prisoner days of the facility for the previous fiscal year.

(2) The total annual actual operating costs include all costs directly associated with or directly attributable to the operation of the facility.

(3) The total actual annual operating costs do not include: