

(i) Overhead costs allocated from other agencies or institutions;

(ii) Debt service related to the facility which was not initiated wholly or in part for the specific purpose of accommodating State prisoners;

(iii) Income to the institution from State (other than the Department of Public Safety and Correctional Services) and federal sources, and from inmate contributions, such as room and board payment from work releases; and

(iv) Cost for services or programs which are not provided at State correctional facilities.

(4) When providing reimbursement for the housing of State-sentenced prisoners, the Division of Correction may not reimburse for the first day of confinement but shall pay for each day thereafter, including the day of release.

(5) WHEN PROVIDING REIMBURSEMENT PURSUANT TO SUBSECTION (C) OF THIS SECTION TO A COUNTY OR BALTIMORE CITY FOR PRISONERS TO BE HOUSED IN A NEW FACILITY THAT HAS NOT REPLACED EARLIER EXISTING FACILITIES, FOR PURPOSES OF CALCULATING REIMBURSEMENT THE COMMISSIONER OF CORRECTION, AT HIS DISCRETION, MAY SELECT AS THE PREVIOUS FISCAL YEAR'S ACTUAL ANNUAL OPERATING COST EITHER THE BUDGETED COST OF OPERATION OF THE NEW FACILITY FOR ITS FIRST FULL YEAR OF OPERATION, OR THE ACTUAL ANNUAL OPERATING COST FOR THE PREVIOUS FISCAL YEAR OF THE EXISTING LOCAL DETENTION CENTER IN THAT COUNTY OR BALTIMORE CITY.

(H) IF THE CONFINEMENT OF PRISONERS SENTENCED UNDER SUBSECTION (C) OF THIS SECTION IN A LOCAL DETENTION CENTER, INCLUDING A LOCAL JAIL, OF A COUNTY OR BALTIMORE CITY WOULD CAUSE THE RATED PRISONER CAPACITY OF THE DETENTION CENTER TO BE EXCEEDED, THE PRISONERS SHALL BE IN THE CUSTODY OF THE COMMISSIONER OF CORRECTIONS UNTIL THE COUNTY OR BALTIMORE CITY HAS COMPLETED CONSTRUCTION OR ENLARGEMENT OF ITS DETENTION FACILITIES UNDER § 705 OF THIS ARTICLE TO ACCOMMODATE THE ADDITIONAL PRISONERS, OR UNTIL THE COMPLETION OF THEIR SENTENCE, WHICHEVER COMES FIRST.

[Regional] LOCAL Detention Centers

705.

A. 1. A [regional] LOCAL detention center [is] MEANS a facility operated by one or more counties for the purpose of detention and confinement AND INCLUDES ALL JAILS WITHIN THE STATE OF MARYLAND.

[2. The terms "county" or "counties" shall include Baltimore City in all places used herein.]