

(3) AS OF JANUARY 1, 1989, NO SENTENCE SHALL BE 12 MONTHS OR LESS.

(D) (1) IN THIS SUBSECTION THE FOLLOWING WORDS HAVE THE MEANING INDICATED:

(I) "ACTUAL NUMBER OF PRISONER DAYS" MEANS THE NUMBER OF TOTAL PRISONER DAYS SERVED BY SENTENCED PRISONERS WITH SENTENCES OF MORE THAN 3 MONTHS AND NOT MORE THAN 12 MONTHS;

(II) "AVERAGE NUMBER OF PRISONER DAYS" MEANS THE AVERAGE ANNUAL NUMBER OF DAYS SERVED BY SENTENCED PRISONERS DURING FISCAL YEARS 1984, 1985, AND 1986 WHO ARE SENTENCED FOR MORE THAN 3 MONTHS AND NOT MORE THAN 12 MONTHS; AND

(III) "SENTENCED PRISONERS" MEANS THOSE PERSONS INCARCERATED IN A LOCAL DETENTION CENTER, AFTER SENTENCING TO THE CUSTODY OF THE LOCAL DETENTION CENTER, SERVING SENTENCES OF MORE THAN 3 MONTHS.

(2) FOR PURPOSES OF THIS SECTION, THE STATE SHALL REIMBURSE THE COUNTIES AND BALTIMORE CITY ACCORDING TO THE FOLLOWING FORMULA SO THAT EACH ELIGIBLE SUBDIVISION SHALL RECEIVE THE GREATER OF:

(I) FOR SENTENCED PRISONERS WHO ARE SENTENCED ON OR AFTER JANUARY 1, 1987, THE STATE SHALL REIMBURSE THE COUNTIES AND BALTIMORE CITY FOR EACH DAY IN EXCESS OF 90 DAYS THROUGH DAY 365 THAT SENTENCED PRISONERS ARE CONFINED IN A LOCAL DETENTION CENTER. THE RATE OF REIMBURSEMENT SHALL BE 50 PERCENT OF THE RATE SET FORTH IN SUBSECTION (1) OF THIS SECTION; OR

(II) FOR FISCAL YEAR 1987 AND EACH FISCAL YEAR THEREAFTER, THE SECRETARY OF PUBLIC SAFETY AND CORRECTIONAL SERVICES 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 (1) OF THIS SECTION.

(3) EACH YEAR, THE SECRETARY SHALL CERTIFY TO THE STATE COMPTROLLER:

(I) ON OR BEFORE SEPTEMBER 30, DECEMBER 31, MARCH 31 AND JUNE 30 ONE-FOURTH OF THE AMOUNT ESTIMATED TO BE THE AMOUNT DUE THE COUNTIES AND BALTIMORE CITY UNDER THE PROVISIONS OF THIS SECTION.

(II) ANY DISCREPANCY BETWEEN THE PAYMENTS MADE AND THE ACTUAL REQUIRED REIMBURSEMENT FOR THE PRECEDING FISCAL YEAR SHOULD BE COMPENSATED FOR IN THE SEPTEMBER PAYMENT.

(III) WITHIN 5 DAYS AFTER THE STATE COMPTROLLER RECEIVES A CERTIFICATION FROM THE SECRETARY, THE STATE