

(i) (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 start-up and operation of the facility. Start-up costs may include costs for personnel, equipment, initial training, consultation fees, and any other service related to the start-up phase of the facility.

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

(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) Unreasonable or unnecessary costs, as determined by the Commissioner, 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 under subsection (d) 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 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.

(j) (1) After the end of each fiscal year the State shall reimburse the counties and Baltimore City for medical expenses that exceed \$25,000 for each person confined in a local detention facility, regardless of whether the person has been sentenced.

(2) If medical expenses for a person described under paragraph (1) of this subsection exceed \$25,000 in a fiscal year, the medical expenses for the person that exceed \$25,000 shall be excluded from the total annual operating costs used to determine reimbursements to the counties and Baltimore City as provided in subsections (d) and (i) of this section.