

# SENATE BILL 23

L2, P4

(9lr0689)

**ENROLLED BILL**  
*—Finance/Judiciary—*

Introduced by ~~Senator Colburn~~ **Senators Colburn and Pipkin**

Read and Examined by Proofreaders:

\_\_\_\_\_  
Proofreader.

\_\_\_\_\_  
Proofreader.

Sealed with the Great Seal and presented to the Governor, for his approval this

\_\_\_\_\_ day of \_\_\_\_\_ at \_\_\_\_\_ o'clock, \_\_\_\_\_ M.

\_\_\_\_\_  
President.

CHAPTER \_\_\_\_\_

1 AN ACT concerning

2 **Caroline County - Department of Corrections Employment Applicants -**  
3 **~~Polygraph Examinations~~ Lie Detector Tests**

4 FOR the purpose of exempting from the prohibition against an employer requiring or  
5 demanding, as a condition of employment, that an individual submit to or take a  
6 lie detector or similar test, individuals who apply for employment with the  
7 Caroline County ~~Detention Center~~ Department of Corrections either as a  
8 correctional officer or ~~for any other position~~ in any other capacity that involves  
9 direct ~~personal~~ contact with an inmate in the ~~Center~~ Department; and generally  
10 relating to the Caroline County ~~Detention Center~~ Department of Corrections.

11 BY repealing and reenacting, ~~with~~ without amendments,  
12 Article - Labor and Employment  
13 Section ~~3-702(b)(3)~~ 3-702(a), (b)(3) and (4), and (c)  
14 Annotated Code of Maryland

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**EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.**

[Brackets] indicate matter deleted from existing law.

Underlining indicates amendments to bill.

~~Strike out~~ indicates matter stricken from the bill by amendment or deleted from the law by amendment.

*Italics indicate opposite chamber / conference committee amendments.*



1 (2008 Replacement Volume)

2 BY repealing and reenacting, with amendments,  
 3 Article – Labor and Employment  
 4 Section 3–702(b)(5)  
 5 Annotated Code of Maryland  
 6 (2008 Replacement Volume)

7 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF  
 8 MARYLAND, That the Laws of Maryland read as follows:

9 **Article – Labor and Employment**

10 3–702.

11 (a) In this section, “employer” means:

12 (1) a person engaged in a business, industry, profession, trade, or other  
 13 enterprise in the State;

14 (2) the State;

15 (3) a county; and

16 (4) a municipal corporation in the State.

17 (b) (3) This section does not apply to an individual who applies for  
 18 employment or is employed:

19 (i) as a law enforcement officer, as defined in § 3–101 of the  
 20 Public Safety Article;

21 (ii) as an employee of a law enforcement agency of the State, a  
 22 county, or a municipal corporation;

23 (iii) as a communications officer of the Calvert County Control  
 24 Center;

25 (iv) as a correctional officer of the Calvert County Detention  
 26 Center or in any other capacity that involves direct personal contact with an inmate in  
 27 the Detention Center;

28 ~~(v) AS A CORRECTIONAL OFFICER OF THE CAROLINE~~  
 29 ~~COUNTY DETENTION CENTER OR IN ANY OTHER CAPACITY THAT INVOLVES~~  
 30 ~~DIRECT PERSONAL CONTACT WITH AN INMATE IN THE CENTER;~~

1                   ~~[(v)]~~ ~~(VI)~~ as a correctional officer of the Washington County  
 2 Detention Center or in any other capacity that involves direct personal contact with an  
 3 inmate in the Center; or

4                   ~~[(vi)]~~ ~~(VII)~~ as a correctional officer of:

- 5                   1. the Baltimore City Jail;
- 6                   2. the Baltimore County Detention Center;
- 7                   3. the Cecil County Detention Center;
- 8                   4. the Charles County Detention Center;
- 9                   5. the Frederick County Adult Detention Center;
- 10                  6. the Harford County Detention Center; or
- 11                  7. the St. Mary's County Detention Center.

12                   (4) *This section does not apply to an applicant for employment as a*  
 13 *correctional officer with the Department of Corrections for Prince George's County.*

14                   (5) *This section does not apply to an applicant for employment with*  
 15 ***EITHER** the Anne Arundel County Department of Detention Facilities **OR THE***  
 16 ***CAROLINE COUNTY DEPARTMENT OF CORRECTIONS:***

17                   (i) *as a correctional officer; or*

18                   (ii) *in any other capacity that involves direct contact with an*  
 19 *inmate in **EITHER** the Anne Arundel County Department of Detention Facilities **OR***  
 20 ***THE CAROLINE COUNTY DEPARTMENT OF CORRECTIONS.***

21                   (c) *An employer may not require or demand, as a condition of employment,*  
 22 *prospective employment, or continued employment, that an individual submit to or take*  
 23 *a lie detector or similar test.*

24                   SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect  
 25 October 1, 2009.