

Department of Legislative Services  
Maryland General Assembly  
2010 Session

FISCAL AND POLICY NOTE  
Revised

House Bill 1402

(Delegate Conway, *et al.*)

Judiciary

Finance

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Public Safety - Preemployment Polygraph Examinations for Correctional Officer Applicants

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This bill authorizes the Division of Correction (DOC) to require an individual to pass a polygraph examination before being appointed to serve as a correctional officer in a State correctional facility. The bill also exempts an applicant for employment as a correctional officer of a State or local correctional facility from the prohibition against an employer requiring or demanding, as a condition of employment, prospective employment, or continued employment, that an individual submit to or take a polygraph examination.

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Fiscal Summary

**State Effect:** The bill's new authorization for DOC would have no immediate fiscal or operational impact, since the agency does not intend to immediately require applicants to pass a polygraph examination. However, if the agency chooses to exercise this authority in the future, State expenditures would increase by approximately \$375,000 annually.

**Local Effect:** None.

**Small Business Effect:** None.

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Analysis

**Current Law:** An employer may not require or demand, as a condition of employment, prospective employment, or continued employment, that an individual submit to or take a lie detector or similar test. Specified exceptions from this prohibition include:

- State and local law enforcement officers;

- an individual who applies for employment or is employed as a correctional officer at the Baltimore City Jail and local detention centers in Baltimore, Cecil, Charles, Frederick, Harford, and St. Mary's counties;
- individuals who apply for employment or who are employed as correctional officers or other positions involved in direct personal contact with inmates in the Calvert and Washington county detention centers;
- an applicant for employment as a correctional officer with the Prince George's County Department of Corrections, the Anne Arundel County Department of Detention Facilities, or the Caroline County Department of Corrections; and
- a communications officer in the Calvert County Control Center.

**Background:** The Department of Public Safety and Correctional Services (DPSCS) operates hiring centers in three locations. For calendar 2009, about 1,100 candidates for State correctional officer positions were given physicals and psychological tests as the last step of the hiring process. Of this total, 756 correctional officers were hired. It is not known how many of those persons actually hired would have passed a pre-employment polygraph examination. According to DPSCS, the polygraph unit of the Department of State Police (DSP) has advised that about 40% of DSP applicants need follow up examinations.

**State Expenditures:** DPSCS advises that the department has no immediate intention to require individuals to pass a polygraph examination before appointment as a correctional officer in a State correctional facility. The department indicates that a decision to require polygraph examinations for appointments would only be done if sufficient funds were included in the department's budget. DPSCS advises that such a program would necessitate the hiring of one program administrator and four certified polygraph examiners to perform the required polygraph examinations, at an annual cost of about \$375,000. This estimate includes salaries, fringe benefits, one-time start-up costs, polygraph examiner training costs, polygraph equipment, and ongoing operating expenses. The information and assumptions used in calculating the estimate are stated below:

- polygraph examinations would be done at all three current hiring locations;
- examiner training costs would total \$5,800 for each examiner and occur during an 8- to 13-week period in each fiscal year; and
- each of the four examiner's would need a polygraph unit at a cost of \$9,683 per unit.

## Additional Information

**Prior Introductions:** None.

**Cross File:** None.

**Information Source(s):** Calvert, Howard, and Montgomery counties; Department of Public Safety and Correctional Services; Department of Legislative Services

**Fiscal Note History:** First Reader - March 5, 2010  
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