

HOUSE BILL 173

P4, E4

4r0118
CF SB 126

By: **Chair, Judiciary Committee (By Request – Departmental – Public Safety and Correctional Services)**

Introduced and read first time: January 15, 2014

Assigned to: Judiciary

Committee Report: Favorable with amendments

House action: Adopted

Read second time: March 8, 2014

CHAPTER _____

1 AN ACT concerning

2 **Public Safety – Prohibition of Polygraph Examinations by Employers –**
3 **Exemption**

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 polygraph examination or other similar test ~~individuals who are employed as~~
7 ~~correctional officers in a State correctional facility and individuals who apply for~~
8 ~~employment or are employed in any capacity that involves direct personal~~ an
9 individual who applies for employment or is employed as a correctional officer of
10 a State correctional facility and an individual who applies for employment with
11 or is employed by a State correctional facility in any capacity that involves
12 direct contact with an inmate in a State correctional facility; making certain
13 conforming changes; requiring the Department of Public Safety and
14 Correctional Services to submit a certain report to certain committees of the
15 General Assembly on or before a certain date; and generally relating to
16 polygraph examinations for ~~correctional officers~~ individuals employed in a State
17 correctional facility.

18 BY repealing and reenacting, without amendments,
19 Article – Labor and Employment
20 Section 3–702(a) and (c)
21 Annotated Code of Maryland
22 (2008 Replacement Volume and 2013 Supplement)

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.



1 BY repealing and reenacting, with amendments,
2 Article – Labor and Employment
3 Section 3–702(b)
4 Annotated Code of Maryland
5 (2008 Replacement Volume and 2013 Supplement)

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

8 **Article – Labor and Employment**

9 3–702.

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

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

13 (2) the State;

14 (3) a county; and

15 (4) a municipal corporation in the State.

16 (b) (1) This section does not apply to the federal government or any of its
17 units.

18 (2) This section does not apply to an individual who is an employee of
19 or applies for assignment to the Internal Investigative Unit of the Department of
20 Public Safety and Correctional Services.

21 (3) This section does not apply to an individual who applies for
22 employment or is employed:

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

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

27 (iii) as a communications officer of the Calvert County Control
28 Center;

29 (iv) ~~AS A CORRECTIONAL OFFICER OF A STATE~~
30 ~~CORRECTIONAL FACILITY OR IN ANY OTHER CAPACITY THAT INVOLVES DIRECT~~
31 ~~PERSONAL CONTACT WITH AN INMATE IN A STATE CORRECTIONAL FACILITY;~~

1 (V) AS AN EMPLOYEE OF A STATE CORRECTIONAL FACILITY
 2 IN ANY CAPACITY THAT INVOLVES DIRECT CONTACT WITH AN INMATE IN A
 3 STATE CORRECTIONAL FACILITY;

4 ~~(v)~~ (VI) as a correctional officer of the Calvert County
 5 Detention Center or in any other capacity that involves direct personal contact with an
 6 inmate in the Detention Center;

7 [(v)] ~~(vi)~~ (VII) as a correctional officer of the Washington
 8 County Detention Center or in any other capacity that involves direct personal contact
 9 with an inmate in the Center; or

10 [(vi)] ~~(vii)~~ (VIII) as a correctional officer of:

- 11 1. [the Baltimore City Jail;
- 12 2.] the Baltimore County Detention Center;
- 13 [3.] 2. the Cecil County Detention Center;
- 14 [4.] 3. the Charles County Detention Center;
- 15 [5.] 4. the Frederick County Adult Detention Center;
- 16 [6.] 5. the Harford County Detention Center; or
- 17 [7.] 6. the St. Mary's County Detention Center.

18 (4) This section does not apply to an applicant for employment as a
 19 correctional officer of a [State or] local correctional facility.

20 (5) This section does not apply to an applicant for employment with
 21 either the Anne Arundel County Department of Detention Facilities or the Caroline
 22 County Department of Corrections in any capacity that involves direct contact with an
 23 inmate in either the Anne Arundel County Department of Detention Facilities or the
 24 Caroline County Department of Corrections.

25 (6) This section does not apply to an applicant for employment with
 26 the Washington County Emergency Communications Center.

27 (c) An employer may not require or demand, as a condition of employment,
 28 prospective employment, or continued employment, that an individual submit to or
 29 take a polygraph examination or similar test.

30 SECTION 2. AND BE IT FURTHER ENACTED, That, on or before September
 31 30, 2016, the Department of Public Safety and Correctional Services shall report to the

1 Senate Finance Committee and the House Judiciary Committee, in accordance with §
 2 2-1246 of the State Government Article, on the number of polygraph examinations
 3 submitted to or taken by correctional officers and employees of a State correctional
 4 facility, and the number of grievances filed or complaints made in response to
 5 polygraph examinations submitted to or taken by correctional officers and employees
 6 of a State correctional facility.

7 SECTION ~~2~~ 3. AND BE IT FURTHER ENACTED, That this Act shall take
 8 effect October 1, 2014.

Approved:

Governor.

Speaker of the House of Delegates.

President of the Senate.