

SENATE BILL 126

P4, E4

(4lr0078)

ENROLLED BILL
— Finance/Judiciary —

Introduced by **Chair, Finance Committee (By Request – Departmental – Public Safety and Correctional Services)**

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 **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 direct*
12 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

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 General Assembly on or before a certain date; and generally relating to
2 polygraph examinations for ~~correctional officers~~ individuals employed in a State
3 correctional facility.

4 BY repealing and reenacting, without amendments,
5 Article – Labor and Employment
6 Section 3–702(a) and (c)
7 Annotated Code of Maryland
8 (2008 Replacement Volume and 2013 Supplement)

9 BY repealing and reenacting, with amendments,
10 Article – Labor and Employment
11 Section 3–702(b)
12 Annotated Code of Maryland
13 (2008 Replacement Volume and 2013 Supplement)

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

16 **Article – Labor and Employment**

17 3–702.

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

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

21 (2) the State;

22 (3) a county; and

23 (4) a municipal corporation in the State.

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

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

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

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

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

3 (iii) as a communications officer of the Calvert County Control
4 Center;

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

8 (v) AS AN EMPLOYEE OF A STATE CORRECTIONAL FACILITY
9 ~~OR IN ANY OTHER CAPACITY THAT INVOLVES DIRECT PERSONAL CONTACT WITH~~
10 AN INMATE IN A STATE CORRECTIONAL FACILITY;

11 ~~(v)~~ (vi) as a correctional officer of the Calvert County
12 Detention Center or in any other capacity that involves direct personal contact with an
13 inmate in the Detention Center;

14 [(v)] ~~(vi)~~ (vii) as a correctional officer of the Washington
15 County Detention Center or in any other capacity that involves direct personal contact
16 with an inmate in the Center; or

17 [(vi)] ~~(vii)~~ (viii) as a correctional officer of:

- 18 1. [the Baltimore City Jail;
- 19 2.] the Baltimore County Detention Center;
- 20 [3.] 2. the Cecil County Detention Center;
- 21 [4.] 3. the Charles County Detention Center;
- 22 [5.] 4. the Frederick County Adult Detention Center;
- 23 [6.] 5. the Harford County Detention Center; or
- 24 [7.] 6. the St. Mary's County Detention Center.

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

27 (5) This section does not apply to an applicant for employment with
28 either the Anne Arundel County Department of Detention Facilities or the Caroline
29 County Department of Corrections in any capacity that involves direct contact with an

1 inmate in either the Anne Arundel County Department of Detention Facilities or the
2 Caroline County Department of Corrections.

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

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

8 SECTION 2. AND BE IT FURTHER ENACTED, That, on or before September
9 30, 2016, the Department of Public Safety and Correctional Services shall report to the
10 Senate Finance Committee and the House Judiciary Committee, in accordance with §
11 2-1246 of the State Government Article, on the number of polygraph examinations
12 submitted to or taken by correctional officers and employees of a State correctional
13 facility, and the number of grievances filed or complaints made in response to
14 polygraph examinations submitted to or taken by correctional officers and employees
15 of a State correctional facility.

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

Approved:

Governor.

President of the Senate.

Speaker of the House of Delegates.