

HOUSE BILL 565

E4

7lr2585
CF SB 372

By: **Carroll County Delegation**

Introduced and read first time: January 30, 2017

Assigned to: Judiciary

Committee Report: Favorable

House action: Adopted

Read second time: February 28, 2017

CHAPTER _____

1 AN ACT concerning

2 **Carroll County – Detention Center – Polygraph Testing**

3 FOR the purpose of establishing that a certain prohibition on requiring an employee or a
4 prospective employee to take a polygraph examination or similar test as a condition
5 of prospective or continued employment does not apply to an individual employed as
6 a correctional officer or in a certain other capacity at the Carroll County Detention
7 Center; and generally relating to polygraph testing of employees of the Carroll
8 County Detention Center.

9 BY repealing and reenacting, with amendments,
10 Article – Labor and Employment
11 Section 3–702
12 Annotated Code of Maryland
13 (2016 Replacement Volume)

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

16 **Article – Labor and Employment**

17 3–702.

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

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

3 (2) the State;

4 (3) a county; and

5 (4) a municipal corporation in the State.

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

7 (2) This section does not apply to an individual who is an employee of or
8 applies for assignment to the Intelligence and Investigative Division of the Department of
9 Public Safety and Correctional Services.

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

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

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

16 (iii) as a communications officer of the Calvert County Control
17 Center;

18 (iv) as a correctional officer of a State correctional facility;

19 (v) as an employee of a State correctional facility in any capacity
20 that involves direct contact with an inmate in a State correctional facility;

21 (vi) as a correctional officer of the Calvert County Detention Center
22 or in any other capacity that involves direct personal contact with an inmate in the
23 Detention Center;

24 **(VII) AS A CORRECTIONAL OFFICER OF THE CARROLL COUNTY**
25 **DETENTION CENTER OR IN ANY OTHER CAPACITY THAT INVOLVES DIRECT**
26 **PERSONAL CONTACT WITH AN INMATE IN THE DETENTION CENTER;**

27 [(vii)] **(VIII)** as a correctional officer of the Washington County
28 Detention Center or in any other capacity that involves direct personal contact with an
29 inmate in the Center; or

30 [(viii)] **(IX)** as a correctional officer of:

- 1 1. the Baltimore County Detention Center;
- 2 2. the Cecil County Detention Center;
- 3 3. the Charles County Detention Center;
- 4 4. the Frederick County Adult Detention Center;
- 5 5. the Harford County Detention Center; or
- 6 6. the St. Mary's County Detention Center.

7 (4) This section does not apply to an applicant for employment as a
8 correctional officer of a local correctional facility.

9 (5) This section does not apply to an applicant for employment with either
10 the Anne Arundel County Department of Detention Facilities or the Caroline County
11 Department of Corrections in any capacity that involves direct contact with an inmate in
12 either the Anne Arundel County Department of Detention Facilities or the Caroline County
13 Department of Corrections.

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

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

19 (d) (1) Each application for employment shall set out, in bold-faced upper case
20 type, the following notice:

21 "Under Maryland law, an employer may not require or demand, as a condition of
22 employment, prospective employment, or continued employment, that an individual submit
23 to or take a polygraph examination or similar test. An employer who violates this law is
24 guilty of a misdemeanor and subject to a fine not exceeding \$100."

25 (2) Each application shall provide a space for an applicant to sign an
26 acknowledgment of the notice required under this subsection.

27 (e) An applicant shall sign the acknowledgment of the notice required under
28 subsection (d) of this section.

29 (f) If an employer violates subsection (c) or (d) of this section, an applicant for
30 employment or prospective employment or an employee may submit to the Commissioner
31 a written complaint.

1 (g) (1) Whenever the Commissioner determines that this section has been
2 violated, the Commissioner may:

3 (i) try to resolve any issue involved in the violation informally by
4 mediation; or

5 (ii) ask the Attorney General to bring an action on behalf of the
6 applicant or employee.

7 (2) The Attorney General may bring an action under this section in the
8 county where the violation allegedly occurred, for injunctive relief, damages, or other relief.

9 (h) An employer who violates any provision of this section is guilty of a
10 misdemeanor and on conviction is subject to a fine not exceeding \$100.

11 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
12 October 1, 2017.

Approved:

Governor.

Speaker of the House of Delegates.

President of the Senate.