

# SENATE BILL 809

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CF HB 589

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By: **Senator Mautz**

Introduced and read first time: February 2, 2024

Assigned to: Finance

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Committee Report: Favorable with amendments

Senate action: Adopted

Read second time: February 25, 2024

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## CHAPTER \_\_\_\_\_

1 AN ACT concerning

2 **Dorchester County – County Applicants – Polygraph Examination**

3 FOR the purpose of exempting certain applicants for employment with the Dorchester  
4 County Department of Emergency Services ~~and the Dorchester County Department~~  
5 ~~of Corrections~~ from the prohibition on employers requiring or demanding that an  
6 individual submit to or take a polygraph examination as a condition of prospective  
7 employment; and generally relating to polygraph examinations as a condition of  
8 employment.

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 and 2023 Supplement)

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:

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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.



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 Detention Center  
25 or in any other capacity that involves direct personal contact with an inmate in the  
26 Detention Center;

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

30 (ix) as a correctional officer of:

31 1. the Baltimore County Detention Center;

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

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

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

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

15                  (7)    This section does not apply to an applicant for employment:

- 16                               (i)     as a paramedic or an emergency medical technician with St.  
17   Mary’s County; or
- 18                               (ii)    with the St. Mary’s County Emergency Communications Center.

19                  **(8)    THIS SECTION DOES NOT APPLY TO AN APPLICANT FOR**  
20   **EMPLOYMENT:**

21                               **(I)    AS A PARAMEDIC OR AN EMERGENCY MEDICAL TECHNICIAN**  
22   **WITH THE EMERGENCY MEDICAL SERVICES DIVISION WITHIN THE DORCHESTER**  
23   **COUNTY DEPARTMENT OF EMERGENCY SERVICES; OR**

24                               **(II)   AS A 9–1–1 CENTER DISPATCHER AT THE DORCHESTER**  
25   **COUNTY 9–1–1 CENTER WITHIN THE DORCHESTER COUNTY DEPARTMENT OF**  
26   **EMERGENCY SERVICES; ~~OR~~**

27                               ~~**(III)   AS A CORRECTIONAL OFFICER AT THE DORCHESTER**~~  
28   ~~**COUNTY DETENTION CENTER WITHIN THE DORCHESTER COUNTY DEPARTMENT**~~  
29   ~~**OF CORRECTIONS.**~~

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

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

6 “Under Maryland law, an employer may not require or demand, as a condition of  
7 employment, prospective employment, or continued employment, that an individual submit  
8 to or take a polygraph examination or similar test. An employer who violates this law is  
9 guilty of a misdemeanor and subject to a fine not exceeding \$100.”

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

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

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

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

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

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

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

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

27 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect  
28 October 1, 2024.