
By: **Prince George's County Delegation**
Introduced and read first time: February 11, 1998
Assigned to: Judiciary

A BILL ENTITLED

1 AN ACT concerning

2 **Prince George's County - Correctional Officers - Lie Detector Tests**
3 **PG 306-98**

4 FOR the purpose of exempting correctional officers of the Prince George's County
5 Department of Corrections and applicants for positions as correctional officers
6 in the Department from the prohibition against the use of a lie detector test as
7 a condition of employment, prospective employment, or continued employment;
8 and generally relating to the prohibition of the use of a lie detector test as a
9 condition of employment, prospective employment, or continued employment.

10 BY repealing and reenacting, with amendments,
11 Article - Labor and Employment
12 Section 3-702
13 Annotated Code of Maryland
14 (1991 Volume and 1997 Supplement)

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

17 **Article - Labor and Employment**

18 3-702.

19 (a) In this section, "employer" means:

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

22 (2) the State;

23 (3) a county; and

24 (4) a municipal corporation in the State.

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

3 (2) This section does not apply to an individual who is an employee of the
4 Division of Correction and applies for assignment or is assigned to the special internal
5 investigative unit that the Commissioner of Correction expressly authorizes.

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

8 (i) as a law enforcement officer, as defined in Article 27, § 727 of
9 the Code;

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

12 (iii) as a communications officer of the Calvert County Control
13 Center;

14 (iv) as a correctional officer of the Calvert County Detention Center
15 or in any other capacity that involves direct personal contact with an inmate in the
16 Detention Center;

17 (v) as a correctional officer of the Washington County Detention
18 Center or in any other capacity that involves direct personal contact with an inmate
19 in the Center; or

20 (vi) as a correctional officer of:

21 1. the Baltimore City Jail;

22 2. the Baltimore County Detention Center;

23 3. the Cecil County Detention Center;

24 4. the Charles County Detention Center;

25 5. the Frederick County Adult Detention Center;

26 6. the Harford County Detention Center; [or]

27 7. the St. Mary's County Detention Center; OR

28 8. THE PRINCE GEORGE'S COUNTY DEPARTMENT OF
29 CORRECTIONS.

30 (c) An employer may not require or demand, as a condition of employment,
31 prospective employment, or continued employment, that an individual submit to or
32 take a lie detector or similar test.

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

3 "Under Maryland law, an employer may not require or demand, as a condition of
4 employment, prospective employment, or continued employment, that an individual
5 submit to or take a lie detector or similar test. An employer who violates this law is
6 guilty of a misdemeanor and subject to a fine not exceeding \$100."

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

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

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

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

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

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

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

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

25 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take
26 effect October 1, 1998.