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By: Prince George's County Delegation Introduced and read first time: February 11, 1998 Assigned to: Judiciary						
Committee Report: Favorable with amendments House action: Adopted Read second time: March 13, 1998						
CHAPTER						
1 AN ACT concerning						
Prince George's County - Correctional Officers Officer Ap Detector Tests PG 306-98	oplicants - Lie					
5 FOR the purpose of exempting eorrectional officers of the Prince George's County 6 Department of Corrections and applicants for positions as correctional officers 7 in the Prince George's County Department of Corrections from the prohibition 8 against the use of a lie detector test as a condition of employment, prospective 9 employment, or continued employment; providing for the effective date of this 10 Act; and generally relating to the prohibition of the use of a lie detector test as a 11 condition of employment, prospective employment, or continued employment.	ı					
 BY repealing and reenacting, with amendments, Article - Labor and Employment Section 3-702 Annotated Code of Maryland (1991 Volume and 1997 Supplement) 						
17 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF 18 MARYLAND, That the Laws of Maryland read as follows:						
19 Article - Labor and Employment						
20 3-702.						
21 (a) In this section, "employer" means:						

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1 2	enterprise in	(1) the State		engaged	in a business, industry, profession, trade, or other	
3		(2)	the State	»;		
4		(3)	a county	; and		
5		(4)	a munici	ipal corpo	oration in the State.	
6 7	(b) units.	(1)	This sec	tion does	not apply to the federal government or any of its	
	Division of C		n and app	lies for a	not apply to an individual who is an employee of the ssignment or is assigned to the special internal er of Correction expressly authorizes.	
11 12	employment	(3) or is em		tion does	not apply to an individual who applies for	
13 14	the Code;		(i)	as a law	enforcement officer, as defined in Article 27, § 727 of	
15 16	county, or a	municipa	(ii) al corpora		aployee of a law enforcement agency of the State, a	
17 18	Center;		(iii)	as a com	amunications officer of the Calvert County Control	
	(iv) as a correctional officer of the Calvert County Detention Center or in any other capacity that involves direct personal contact with an inmate in the Detention Center;					
	Center or in in the Center	•	(v) r capacity		ectional officer of the Washington County Detention olves direct personal contact with an inmate	
25			(vi)	as a corr	ectional officer of:	
26				1.	the Baltimore City Jail;	
27				2.	the Baltimore County Detention Center;	
28				3.	the Cecil County Detention Center;	
29				4.	the Charles County Detention Center;	
30				5.	the Frederick County Adult Detention Center;	
31				6.	the Harford County Detention Center; {or}	
32				7.	the St. Mary's County Detention Center; OR	

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1 2	8. THE PRINCE GEORGE'S COUNTY DEPARTMENT OF CORRECTIONS.
	(4) THIS SECTION DOES NOT APPLY TO AN APPLICANT FOR EMPLOYMENT AS A CORRECTIONAL OFFICER WITH THE DEPARTMENT OF CORRECTIONS FOR PRINCE GEORGE'S COUNTY.
	(c) An employer may not require or demand, as a condition of employment, prospective employment, or continued employment, that an individual submit to or take a lie detector or similar test.
9 10	(d) (1) Each application for employment shall set out, in bold-faced upper case type, the following notice:
13	"Under Maryland law, an employer may not require or demand, as a condition of employment, prospective employment, or continued employment, that an individual submit to or take a lie detector or similar test. An employer who violates this law is guilty of a misdemeanor and subject to a fine not exceeding \$100."
15 16	(2) Each application shall provide a space for an applicant to sign an acknowledgment of the notice required under this subsection.
17 18	(e) An applicant shall sign the acknowledgment of the notice required under subsection (d) of this section.
	(f) If an employer violates subsection (c) or (d) of this section, an applicant for employment or prospective employment or an employee may submit to the Commissioner a written complaint.
22 23	(g) (1) Whenever the Commissioner determines that this section has been violated, the Commissioner may:
24 25	(i) try to resolve any issue involved in the violation informally by mediation; or
26 27	(ii) ask the Attorney General to bring an action on behalf of the applicant or employee.
	(2) The Attorney General may bring an action under this section in the county where the violation allegedly occurred, for injunctive relief, damages, or other relief.
31 32	(h) An employer who violates any provision of this section is guilty of a misdemeanor and on conviction is subject to a fine not exceeding \$100.
33 34	SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect October 1, June 1, 1998.