

**Department of Legislative Services**  
Maryland General Assembly  
2001 Session

**FISCAL NOTE**

Senate Bill 106      (Senator Kelley, *et al.*)  
Judicial Proceedings

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**Sexual Offenses - Polygraph Examination of Alleged Victims - Prohibited**

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This bill prohibits a State's Attorney or law enforcement officer from requesting or requiring that an alleged victim of a sexual offense submit to a polygraph examination. The prohibition does not apply if the victim requests to take a polygraph examination or has previously made a false statement or report regarding a sexual offense.

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**Fiscal Summary**

**State Effect:** None. It is believed that the bill would apply in a limited number of cases, because rape victims are not often required to submit to polygraph examinations. Government finances should not be affected.

**Local Effect:** None.

**Small Business Effect:** None.

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**Analysis**

**Current Law:** Statutory mention of lie detector tests is limited to provisions governing practices relating to labor and employment, but not under Maryland's criminal code. Maryland case law precludes the admission of polygraph examination results in criminal trials.

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## **Additional Information**

**Prior Introductions:** A similar bill (SB 640) was introduced during the 1999 session and received an unfavorable report from the Senate Judicial Proceedings Committee.

**Cross File:** None.

**Information Source(s):** Judiciary (Administrative Office of the Courts), Department of State Police, Office of the State's Attorneys Coordinator, Department of Legislative Services

**Fiscal Note History:** First Reader – February 8, 2001  
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