

Department of Legislative Services
Maryland General Assembly
2004 Session

FISCAL AND POLICY NOTE

Senate Bill 41 (Chairman, Judicial Proceedings Committee)
(By Request – Departmental – Public Safety and Correctional Services)
Judicial Proceedings Judiciary

**Department of Public Safety and Correctional Services - Use of Lie Detector or
Similar Test for Employment Purposes**

This departmental bill provides that a current law exemption from a prohibition against the use of a lie detector or similar test for employment purposes applies to the Internal Investigative Unit of the Department of Public Safety and Correctional Services (DPSCS). The bill deletes reference to a “special investigative unit” authorized by the Commissioner of Correction under the same provisions.

Fiscal Summary

State Effect: None. The bill is expected to have a negligible effect on governmental operations and finances.

Local Effect: None.

Small Business Effect: DPSCS has determined that this bill has minimal or no impact on small business (attached). Legislative Services concurs with this assessment.

Analysis

Current Law: With certain specified exceptions, 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. One of the current law exceptions applies to an individual who is an employee of the Division of

Correction (DOC) and applies for assignment or is assigned to “the special internal investigative unit that the Commissioner of Correction expressly authorizes.”

Although such an investigative unit had existed within DOC, Chapter 393 of 1999 created an Internal Investigative Unit (IIU) as a separate agency within DPSCS.

Background: This bill updates current law to be consistent with current departmental operations. Chapter 393 provided IIU’s investigators with the same authority, including arrest powers, as police officers on departmental property and, under certain circumstances, off-site.

Chapter 393 also included investigators of IIU with other law enforcement officers under provisions relating to the transmission of contagious diseases or viruses. Chapter 393 granted all civil immunities to an IIU investigator as would apply to a State police officer.

The State Police provided investigative services for DOC until the State Police became a separate cabinet level department in 1995.

Additional Information

Prior Introductions: None.

Cross File: None.

Information Source(s): Department of Public Safety and Correctional Services,
Department of Legislative Services

Fiscal Note History: First Reader - January 15, 2004
n/jr

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