

HOUSE BILL 287

L6, K3, E4

8lr1743
CF SB 123

By: ~~Delegate Love~~ Anne Arundel County Delegation

Introduced and read first time: January 23, 2008

Assigned to: Judiciary

Committee Report: Favorable with amendments

House action: Adopted

Read second time: March 11, 2008

CHAPTER _____

1 AN ACT concerning

2 **Anne Arundel County – Department of Detention Facilities ~~Correctional~~**
3 **~~Employees~~ Employment Applicants – Polygraph Examinations**

4 FOR the purpose of exempting from the prohibition against an employer requiring or
5 demanding, as a condition of ~~employment, prospective employment, or~~
6 ~~continued~~ employment, that an individual submit to or take a lie detector or
7 similar test, individuals who apply for employment ~~or are employed as~~
8 ~~correctional officers for~~ with the Anne Arundel County Department of Detention
9 Facilities either as correctional officers or in any other capacity that involves
10 direct ~~personal~~ contact with an inmate in the Department; and generally
11 relating to the Anne Arundel County Department of Detention Facilities.

12 BY repealing and reenacting, without amendments,
13 Article – Labor and Employment
14 Section 3–702(a) and (c)
15 Annotated Code of Maryland
16 (1999 Replacement Volume and 2007 Supplement)

17 BY repealing and reenacting, with amendments,
18 Article – Labor and Employment
19 Section 3–702(b)
20 Annotated Code of Maryland
21 (1999 Replacement Volume and 2007 Supplement)

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

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 **Article – Labor and Employment**

2 3–702.

3 (a) In this section, “employer” means:

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

6 (2) the State;

7 (3) a county; and

8 (4) a municipal corporation in the State.

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

11 (2) This section does not apply to an individual who is an employee of
12 or applies for assignment to the Internal Investigative Unit of the Department of
13 Public Safety and Correctional Services.

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

16 (i) as a law enforcement officer, as defined in § 3–101 of the
17 Public Safety Article;

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

20 (iii) as a communications officer of the Calvert County Control
21 Center;

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

25 (v) as a correctional officer of the Washington County Detention
26 Center or in any other capacity that involves direct personal contact with an inmate in
27 the Center; ~~for~~

28 ~~(vi) AS A CORRECTIONAL OFFICER OF THE ANNE ARUNDEL~~
29 ~~DEPARTMENT OF DETENTION FACILITIES OR IN ANY OTHER CAPACITY THAT~~
30 ~~INVOLVES DIRECT PERSONAL CONTACT WITH AN INMATE IN THE DEPARTMENT;~~
31 ~~OR~~

- 1 ~~[(vi)]~~ ~~(vii)~~ as a correctional officer of:
- 2 1. the Baltimore City Jail;
- 3 2. the Baltimore County Detention Center;
- 4 3. the Cecil County Detention Center;
- 5 4. the Charles County Detention Center;
- 6 5. the Frederick County Adult Detention Center;
- 7 6. the Harford County Detention Center; or
- 8 7. the St. Mary's County Detention Center.

9 (4) This section does not apply to an applicant for employment as a
10 correctional officer with the Department of Corrections for Prince George's County.

11 **(5) THIS SECTION DOES NOT APPLY TO AN APPLICANT FOR**
12 **EMPLOYMENT WITH THE ANNE ARUNDEL COUNTY DEPARTMENT OF**
13 **DETENTION FACILITIES:**

14 **(I) AS A CORRECTIONAL OFFICER; OR**

15 **(II) IN ANY OTHER CAPACITY THAT INVOLVES DIRECT**
16 **CONTACT WITH AN INMATE IN THE ANNE ARUNDEL COUNTY DEPARTMENT OF**
17 **DETENTION FACILITIES.**

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

21 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
22 October 1, 2008.