

SENATE BILL 123

L6, K3, E4

8lr1528
CF 8lr1743

By: **Senator Astle**

Introduced and read first time: January 17, 2008

Assigned to: Finance

A BILL ENTITLED

1 AN ACT concerning

2 **Anne Arundel County – Department of Detention Facilities Correctional**
3 **Employees – 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 the Anne Arundel County Department of Detention
9 Facilities or in any other capacity that involves direct personal contact with an
10 inmate in the Department; and generally relating to the Anne Arundel County
11 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:

24 **Article – Labor and Employment**

25 3–702.

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



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

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

4 (2) the State;

5 (3) a county; and

6 (4) a municipal corporation in the State.

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

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

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

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

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

18 (iii) as a communications officer of the Calvert County Control
19 Center;

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

23 (v) as a correctional officer of the Washington County Detention
24 Center or in any other capacity that involves direct personal contact with an inmate in
25 the Center; [or]

26 **(VI) AS A CORRECTIONAL OFFICER OF THE ANNE ARUNDEL**
27 **DEPARTMENT OF DETENTION FACILITIES OR IN ANY OTHER CAPACITY THAT**
28 **INVOLVES DIRECT PERSONAL CONTACT WITH AN INMATE IN THE DEPARTMENT;**
29 **OR**

30 [(vi)] **(VII)** as a correctional officer of:

31 1. the Baltimore City Jail;

- 1 2. the Baltimore County Detention Center;
- 2 3. the Cecil County Detention Center;
- 3 4. the Charles County Detention Center;
- 4 5. the Frederick County Adult Detention Center;
- 5 6. the Harford County Detention Center; or
- 6 7. the St. Mary's County Detention Center.

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

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

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