

CHAPTER 64

(House Bill 287)

AN ACT concerning

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

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

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

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

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

Article – Labor and Employment

3–702.

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

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

(4) a municipal corporation in the State.

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

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

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

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

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

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

(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;

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

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

~~(vi)~~ (vii) as a correctional officer of:

1. the Baltimore City Jail;
2. the Baltimore County Detention Center;
3. the Cecil County Detention Center;
4. the Charles County Detention Center;
5. the Frederick County Adult Detention Center;

6. the Harford County Detention Center; or
7. the St. Mary's County Detention Center.

(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.

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

(I) AS A CORRECTIONAL OFFICER; OR

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

(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.

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

Approved by the Governor, April 8, 2008.