

HOUSE BILL 548

K3, L1

9lr2143

By: **Caroline County Delegation**

Introduced and read first time: February 5, 2009

Assigned to: Judiciary

Committee Report: Favorable

House action: Adopted

Read second time: March 10, 2009

CHAPTER _____

1 AN ACT concerning

2 **Caroline County – Department of Corrections Employment Applicants – Lie**
3 **Detector Tests**

4 FOR the purpose of exempting from the prohibition against an employer requiring or
5 demanding, as a condition of employment, that an individual submit to or take a
6 lie detector or similar test, individuals who apply for employment with the
7 Caroline County Department of Corrections either as a correctional officer or in
8 any other capacity that involves direct contact with an inmate in the
9 Department; and generally relating to the Caroline County Department of
10 Corrections.

11 BY repealing and reenacting, without amendments,
12 Article – Labor and Employment
13 Section 3–702(a), (b)(3) and (4), and (c)
14 Annotated Code of Maryland
15 (2008 Replacement Volume)

16 BY repealing and reenacting, with amendments,
17 Article – Labor and Employment
18 Section 3–702(b)(5)
19 Annotated Code of Maryland
20 (2008 Replacement Volume)

21 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF
22 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) (3) This section does not apply to an individual who applies for
10 employment or is employed:11 (i) as a law enforcement officer, as defined in § 3–101 of the
12 Public Safety Article;13 (ii) as an employee of a law enforcement agency of the State, a
14 county, or a municipal corporation;15 (iii) as a communications officer of the Calvert County Control
16 Center;17 (iv) as a correctional officer of the Calvert County Detention
18 Center or in any other capacity that involves direct personal contact with an inmate in
19 the Detention Center;20 (v) as a correctional officer of the Washington County Detention
21 Center or in any other capacity that involves direct personal contact with an inmate in
22 the Center; or

23 (vi) as a correctional officer of:

24 1. the Baltimore City Jail;

25 2. the Baltimore County Detention Center;

26 3. the Cecil County Detention Center;

27 4. the Charles County Detention Center;

28 5. the Frederick County Adult Detention Center;

29 6. the Harford County Detention Center; or

1 7. the St. Mary’s County Detention Center.

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

4 (5) This section does not apply to an applicant for employment with
5 **EITHER** the Anne Arundel County Department of Detention Facilities **OR THE**
6 **CAROLINE COUNTY DEPARTMENT OF CORRECTIONS:**

7 (i) as a correctional officer; or

8 (ii) in any other capacity that involves direct contact with an
9 inmate in **EITHER** the Anne Arundel County Department of Detention Facilities **OR**
10 **THE CAROLINE COUNTY DEPARTMENT OF CORRECTIONS.**

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

14 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
15 October 1, 2009.

Approved:

Governor.

Speaker of the House of Delegates.

President of the Senate.