

HOUSE BILL 173

P4, E4

4r0118
CF SB 126

By: **Chair, Judiciary Committee (By Request – Departmental – Public Safety and Correctional Services)**

Introduced and read first time: January 15, 2014

Assigned to: Judiciary

A BILL ENTITLED

1 AN ACT concerning

2 **Public Safety – Prohibition of Polygraph Examinations by Employers –**
3 **Exemption**

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 polygraph examination or other similar test individuals who are employed as
7 correctional officers in a State correctional facility and individuals who apply for
8 employment or are employed in any capacity that involves direct personal
9 contact with an inmate in a State correctional facility; making certain
10 conforming changes; and generally relating to polygraph examinations for
11 correctional officers.

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 (2008 Replacement Volume and 2013 Supplement)

17 BY repealing and reenacting, with amendments,
18 Article – Labor and Employment
19 Section 3–702(b)
20 Annotated Code of Maryland
21 (2008 Replacement Volume and 2013 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 A STATE**
21 **CORRECTIONAL FACILITY OR IN ANY OTHER CAPACITY THAT INVOLVES DIRECT**
22 **PERSONAL CONTACT WITH AN INMATE IN A STATE CORRECTIONAL FACILITY;**

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

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

29 [(vi)] (vii) as a correctional officer of:

30 1. [the Baltimore City Jail;

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

7 (4) This section does not apply to an applicant for employment as a
8 correctional officer of a [State or] local correctional facility.

9 (5) This section does not apply to an applicant for employment with
10 either the Anne Arundel County Department of Detention Facilities or the Caroline
11 County Department of Corrections in any capacity that involves direct contact with an
12 inmate in either the Anne Arundel County Department of Detention Facilities or the
13 Caroline County Department of Corrections.

14 (6) This section does not apply to an applicant for employment with
15 the Washington County Emergency Communications Center.

16 (c) An employer may not require or demand, as a condition of employment,
17 prospective employment, or continued employment, that an individual submit to or
18 take a polygraph examination or similar test.

19 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
20 October 1, 2014.