

# SENATE BILL 372

E4

7lr2584  
CF HB 565

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By: **Carroll County Senators**

Introduced and read first time: January 26, 2017

Assigned to: Judicial Proceedings

Re-referred to: Finance, February 8, 2017

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Committee Report: Favorable

Senate action: Adopted

Read second time: March 1, 2017

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## CHAPTER \_\_\_\_\_

1 AN ACT concerning

2 **Carroll County – Detention Center – Polygraph Testing**

3 FOR the purpose of establishing that a certain prohibition on requiring an employee or a  
4 prospective employee to take a polygraph examination or similar test as a condition  
5 of prospective or continued employment does not apply to an individual employed as  
6 a correctional officer or in a certain other capacity at the Carroll County Detention  
7 Center; and generally relating to polygraph testing of employees of the Carroll  
8 County Detention Center.

9 BY repealing and reenacting, with amendments,  
10 Article – Labor and Employment  
11 Section 3–702  
12 Annotated Code of Maryland  
13 (2016 Replacement Volume)

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

16 **Article – Labor and Employment**

17 3–702.

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

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

3 (2) the State;

4 (3) a county; and

5 (4) a municipal corporation in the State.

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

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

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

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

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

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

18 (iv) as a correctional officer of a State correctional facility;

19 (v) as an employee of a State correctional facility in any capacity  
20 that involves direct contact with an inmate in a State correctional facility;

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

24 **(VII) AS A CORRECTIONAL OFFICER OF THE CARROLL COUNTY**  
25 **DETENTION CENTER OR IN ANY OTHER CAPACITY THAT INVOLVES DIRECT**  
26 **PERSONAL CONTACT WITH AN INMATE IN THE DETENTION CENTER;**

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

30 [(viii)] **(IX)** as a correctional officer of:

- 1                   1.     the Baltimore County Detention Center;
- 2                   2.     the Cecil County Detention Center;
- 3                   3.     the Charles County Detention Center;
- 4                   4.     the Frederick County Adult Detention Center;
- 5                   5.     the Harford County Detention Center; or
- 6                   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 local correctional facility.

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

14                  (6)    This section does not apply to an applicant for employment with the  
15   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 take a  
18   polygraph examination or similar test.

19                  (d)    (1)   Each application for employment shall set out, in bold-faced upper case  
20   type, the following notice:

21                         "Under Maryland law, an employer may not require or demand, as a condition of  
22   employment, prospective employment, or continued employment, that an individual submit  
23   to or take a polygraph examination or similar test. An employer who violates this law is  
24   guilty of a misdemeanor and subject to a fine not exceeding \$100."

25                  (2)    Each application shall provide a space for an applicant to sign an  
26   acknowledgment of the notice required under this subsection.

27                  (e)    An applicant shall sign the acknowledgment of the notice required under  
28   subsection (d) of this section.

29                  (f)    If an employer violates subsection (c) or (d) of this section, an applicant for  
30   employment or prospective employment or an employee may submit to the Commissioner  
31   a written complaint.

1 (g) (1) Whenever the Commissioner determines that this section has been  
2 violated, the Commissioner may:

3 (i) try to resolve any issue involved in the violation informally by  
4 mediation; or

5 (ii) ask the Attorney General to bring an action on behalf of the  
6 applicant or employee.

7 (2) The Attorney General may bring an action under this section in the  
8 county where the violation allegedly occurred, for injunctive relief, damages, or other relief.

9 (h) An employer who violates any provision of this section is guilty of a  
10 misdemeanor and on conviction is subject to a fine not exceeding \$100.

11 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect  
12 October 1, 2017.

Approved:

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Governor.

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President of the Senate.

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Speaker of the House of Delegates.