

Department of Legislative Services  
Maryland General Assembly  
2023 Session

FISCAL AND POLICY NOTE  
First Reader

House Bill 439  
Judiciary

(Frederick County Delegation)

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Frederick County – Adult Detention Center – Polygraph Examinations of  
Employees

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This bill exempts individuals who apply for employment or are employed in any capacity that involves direct personal contact with an inmate in the Frederick County Adult Detention Center from the prohibition against employers requiring an employee or a prospective employee to take a polygraph examination or similar test as a condition of prospective or continued employment. The existing exemption for correctional officers at the center is unchanged.

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Fiscal Summary

**State Effect:** None.

**Local Effect:** Frederick County advises that the bill does not materially affect its finances or operations; additional polygraph examinations are expected to be minimal.

**Small Business Effect:** None.

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Analysis

**Current Law:** Generally, an employer in the State may not require or demand, as a condition of employment, prospective employment, or continued employment, that an individual submit to or take a polygraph examination or similar test. Specified exceptions from this prohibition include an individual who *applies for employment* or *is employed* as:

- a law enforcement officer;
- an employee of a State or local law enforcement agency;

- a correctional officer at a State correctional facility or an employee that involves direct contact with an inmate of a State correctional facility;
- a correctional officer at specified local detention facilities, including the Frederick County Adult Detention Center; and
- a correctional officer or other position that involves direct personal contact with inmates in the Calvert, Carroll, or Washington county detention centers.

Applicants for employment as a correctional officer at a local correctional facility are also exempt, along with applicants for employment with both the Anne Arundel County Department of Detention Facilities and the Caroline County Department of Corrections in any capacity that involves direct contact with an inmate in those departments.

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### **Additional Information**

**Prior Introductions:** Similar legislation has not been introduced within the last three years.

**Designated Cross File:** None.

**Information Source(s):** Frederick County; Department of Legislative Services

**Fiscal Note History:** First Reader - February 15, 2023  
km/mcr

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