

HOUSE BILL 589

K3

(4lr0958)

ENROLLED BILL
— Judiciary/Finance —

Introduced by **Dorchester County Delegation**

Read and Examined by Proofreaders:

Proofreader.

Proofreader.

Sealed with the Great Seal and presented to the Governor, for his approval this

_____ day of _____ at _____ o'clock, _____ M.

Speaker.

CHAPTER _____

1 AN ACT concerning

2 **Dorchester County – County Applicants – Polygraph Examination**

3 FOR the purpose of exempting certain applicants for employment with the Dorchester
4 County Department of Emergency Services ~~and the Dorchester County Department~~
5 ~~of Corrections~~ from the prohibition on employers requiring or demanding that an
6 individual submit to or take a polygraph examination as a condition of prospective
7 employment; and generally relating to polygraph examinations as a condition of
8 employment.

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 and 2023 Supplement)

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.

Italics indicate opposite chamber/conference committee amendments.



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

3 **Article – Labor and Employment**

4 3–702.

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

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

8 (2) the State;

9 (3) a county; and

10 (4) a municipal corporation in the State.

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

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

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

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

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

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

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

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

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

1 (vii) as a correctional officer of the Carroll County Detention Center
2 or in any other capacity that involves direct personal contact with an inmate in the
3 Detention Center;

4 (viii) as a correctional officer of the Washington County Detention
5 Center or in any other capacity that involves direct personal contact with an inmate in the
6 Center; or

7 (ix) as a correctional officer of:

- 8 1. the Baltimore County Detention Center;
- 9 2. the Cecil County Detention Center;
- 10 3. the Charles County Detention Center;
- 11 4. the Frederick County Adult Detention Center;
- 12 5. the Harford County Detention Center; or
- 13 6. the St. Mary's County Detention Center.

14 (4) This section does not apply to an applicant for employment as a
15 correctional officer of a local correctional facility.

16 (5) This section does not apply to an applicant for employment with either
17 the Anne Arundel County Department of Detention Facilities or the Caroline County
18 Department of Corrections in any capacity that involves direct contact with an inmate in
19 either the Anne Arundel County Department of Detention Facilities or the Caroline County
20 Department of Corrections.

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

23 (7) This section does not apply to an applicant for employment:

24 (i) as a paramedic or an emergency medical technician with St.
25 Mary's County; or

26 (ii) with the St. Mary's County Emergency Communications Center.

27 **(8) THIS SECTION DOES NOT APPLY TO AN APPLICANT FOR**
28 **EMPLOYMENT:**

1 **(I) AS A PARAMEDIC OR AN EMERGENCY MEDICAL TECHNICIAN**
2 **WITH THE EMERGENCY MEDICAL SERVICES DIVISION WITHIN THE DORCHESTER**
3 **COUNTY DEPARTMENT OF EMERGENCY SERVICES; OR**

4 **(II) AS A 9-1-1 ~~CENTER DISPATCHER~~ SPECIALIST AT THE**
5 **DORCHESTER COUNTY 9-1-1 CENTER WITHIN THE DORCHESTER COUNTY**
6 **DEPARTMENT OF EMERGENCY SERVICES; ~~OR~~**

7 ~~**(III) AS A CORRECTIONAL OFFICER AT THE DORCHESTER**~~
8 ~~**COUNTY DETENTION CENTER WITHIN THE DORCHESTER COUNTY DEPARTMENT**~~
9 ~~**OF CORRECTIONS.**~~

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

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

15 “Under Maryland law, an employer may not require or demand, as a condition of
16 employment, prospective employment, or continued employment, that an individual submit
17 to or take a polygraph examination or similar test. An employer who violates this law is
18 guilty of a misdemeanor and subject to a fine not exceeding \$100.”

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

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

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

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

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

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

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

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

3 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
4 October 1, 2024.

Approved:

Governor.

Speaker of the House of Delegates.

President of the Senate.