

HOUSE BILL 589

K3
HB 1270/23 – HRU

4lr0958
CF SB 809

By: **Dorchester County Delegation**

Introduced and read first time: January 24, 2024

Assigned to: Judiciary

Committee Report: Favorable

House action: Adopted

Read second time: March 7, 2024

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)

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:

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 Detention Center
25 or in any other capacity that involves direct personal contact with an inmate in the
26 Detention Center;

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

30 (ix) as a correctional officer of:

31 1. the Baltimore County Detention Center;

2. the Cecil County Detention Center;
3. the Charles County Detention Center;
4. the Frederick County Adult Detention Center;
5. the Harford County Detention Center; or
6. the St. Mary's County Detention Center.

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

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

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

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

- (i) as a paramedic or an emergency medical technician with St. Mary's County; or
- (ii) with the St. Mary's County Emergency Communications Center.

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

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

(II) AS A 9-1-1 CENTER DISPATCHER AT THE DORCHESTER COUNTY 9-1-1 CENTER WITHIN THE DORCHESTER COUNTY DEPARTMENT OF EMERGENCY SERVICES; OR

(III) AS A CORRECTIONAL OFFICER AT THE DORCHESTER COUNTY DETENTION CENTER WITHIN THE DORCHESTER COUNTY DEPARTMENT OF CORRECTIONS.

(c) An employer 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.

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

“Under Maryland law, an employer 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. An employer who violates this law is guilty of a misdemeanor and subject to a fine not exceeding \$100.”

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

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

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

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

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

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

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

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

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