

HOUSE BILL 565

E4

7lr2585
CF SB 372

By: **Carroll County Delegation**

Introduced and read first time: January 30, 2017

Assigned to: Judiciary

A BILL ENTITLED

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:

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

21 (2) the State;

22 (3) a county; and

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 (4) a municipal corporation in the State.

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

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

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

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

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

12 (iii) as a communications officer of the Calvert County Control
13 Center;

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

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

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

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

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

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

27 1. the Baltimore County Detention Center;

28 2. the Cecil County Detention Center;

29 3. the Charles County Detention Center;

30 4. the Frederick County Adult Detention Center;

1 5. the Harford County Detention Center; or

2 6. the St. Mary's County Detention Center.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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