## **SENATE BILL 372**

E47 lr 2584**CF HB 565** 

By: Carroll County Senators

Introduced and read first time: January 26, 2017

Assigned to: Judicial Proceedings

Re-referred to: Finance, February 8, 2017

Committee Report: Favorable

Senate action: Adopted

Read second time: March 1, 2017

CHAPTER

1 AN ACT concerning

2

3

5

6

7

## Carroll County - Detention Center - Polygraph Testing

- 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 of prospective or continued employment does not apply to an individual employed as a correctional officer or in a certain other capacity at the Carroll County Detention 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
- (2016 Replacement Volume) 13
- SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND, 14
- 15 That the Laws of Maryland read as follows:

## Article - Labor and Employment

3-702.17

16

18 (a) In this section, "employer" means:

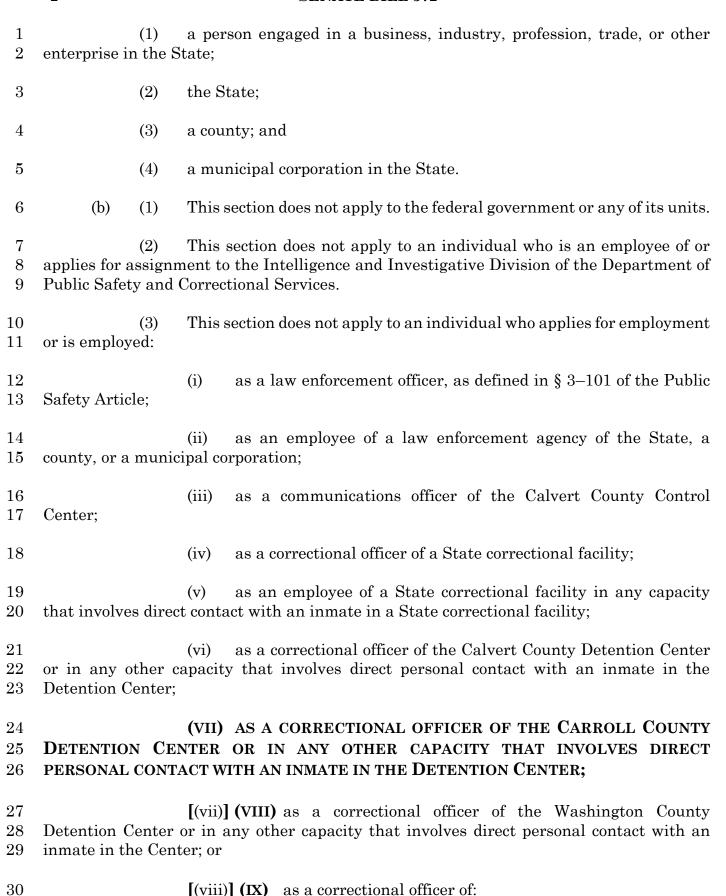
## EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[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. 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 8	(4) This section does not apply to an applicant for employment as a correctional officer of a local correctional facility.
9 10 11 12 13	(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.
14 15	(6) This section does not apply to an applicant for employment with the Washington County Emergency Communications Center.
16 17 18	(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.
19 20	(d) (1) Each application for employment shall set out, in bold–faced upper case type, the following notice:
21 22 23 24	"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."
$\frac{25}{26}$	(2) Each application shall provide a space for an applicant to sign ar acknowledgment of the notice required under this subsection.

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.

An applicant shall sign the acknowledgment of the notice required under

27

28

(e)

subsection (d) of this section.

(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, 2017.
Approved:
Governor.
President of the Senate.
Speaker of the House of Delegates.