

2026 Regular Session

HOUSE BILL NO. 1238 (Substitute for House Bill No. 422 by Representative McMakin)

BY REPRESENTATIVE MCMAKIN

LABOR: Enacts the Louisiana Behind the Counter Protection Act

1 AN ACT

2 To amend and reenact R.S. 14:35(B) and 38(B) and to enact Part III of Chapter 3 of Title 23
3 of the Louisiana Revised Statutes of 1950, to be comprised of R.S. 23:271 through
4 274, relative to workplace violence in retail and food service establishments; to
5 provide a short title; to provide definitions; to prohibit workplace violence against
6 an employee of a regulated establishment; to provide enhanced penalties for
7 offenders who commit certain crimes against an employee of a regulated
8 establishment; to provide for signage; and to provide for related matters.

9 Be it enacted by the Legislature of Louisiana:

10 Section 1. R.S. 14:35(B) and 38(B) are hereby amended and reenacted to read as
11 follows:

12 §35. Simple battery

13 * * *

14 B.(1) Whoever commits a simple battery shall be fined not more than one
15 thousand dollars or imprisoned for not more than six months, or both.

16 (2) Whoever commits a simple battery against an employee of a regulated
17 establishment shall be fined not more than two thousand dollars or imprisoned, with
18 or without hard labor, for not more than two years, or both.

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20 §38. Simple assault

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B.(1) Whoever commits a simple assault shall be fined not more than two hundred dollars, or imprisoned for not more than ninety days, or both.

(2) Whoever commits a simple assault against an employee of a regulated establishment shall be fined not more than one thousand dollars or imprisoned for not more than six months, or both.

Section 2. Part III of Chapter 3 of Title 23 of the Louisiana Revised Statutes of 1950, comprised of R.S. 23:271 through 274, is hereby enacted to read as follows:

PART III. THE LOUISIANA BEHIND THE COUNTER PROTECTION ACT

§271. Short title

This Part shall be known and may be cited as the "Louisiana Behind the Counter Protection Act".

§272. Definitions

As used in this Part, the following terms have the meanings ascribed to them:

(1) "Department" means Louisiana Works.

(2) "Employee" means an employee who engages in duties at or behind a checkout station, service counter, drive-through window, customer service desk, or similar place or structure utilized as the point of transaction for an employee and a customer.

(3) "Workplace violence" means any act of violence or credible threat of violence, including but not limited to assault, battery, robbery, intimidation, verbal abuse, threats with a weapon, or any conduct that places an employee in reasonable fear of physical harm or is directed at an employee while he is performing his duties at a regulated establishment.

§273. Prohibition against workplace violence; penalties

No person shall commit the offense of workplace violence against an employee of a regulated establishment. Whoever commits the offense of workplace violence against an employee of a regulated establishment shall be charged with any of the following crimes as appropriate:

1 (1) Simple assault as defined in R.S. 14:38(B)(2).

2 (2) Simple battery as defined in R.S. 14:35(B)(2).

3 §274. Signage

4 A. A regulated establishment may display at its premises at least one sign
5 that contains the following statement in forty-eight point boldface font:

6 "WARNING: Workplace violence against an employee is a crime and will not be
7 tolerated. Such acts may result in arrest and criminal conviction under Louisiana law."

8 B. The department shall prescribe and furnish a sign that conforms with the
9 specifications provided for in Subsection A of this Section. The department shall
10 make the sign readily accessible for or distribute the sign to a regulated
11 establishment.

DIGEST

The digest printed below was prepared by House Legislative Services. It constitutes no part of the legislative instrument. The keyword, one-liner, abstract, and digest do not constitute part of the law or proof or indicia of legislative intent. [R.S. 1:13(B) and 24:177(E)]

HB 1238 Original

2026 Regular Session

McMakin

Abstract: Enacts the La. Behind the Counter Protection Act, which prohibits workplace violence against an employee of a regulated establishment.

Present law defines and provides penalties for the crime of simple battery.

Proposed law adds an enhanced penalty, which includes enforcing a fine of not more than \$2,000 or imprisonment, with or without hard labor, for not more than two years, or both against a person who commits such crime against an employee of a regulated establishment. Proposed law otherwise retains present law.

Present law defines and provides penalties for the crime of simple assault.

Proposed law adds an enhanced penalty, which includes enforcing a fine of not more than \$1,000 or imprisonment for not more than six months, or both, against a person who commits such crime against an employee of a regulated establishment. Proposed law otherwise retains present law.

Proposed law states that proposed law shall be known and may be cited as the "La. Behind the Counter Protection Act".

Proposed law defines "department", "employee", and "workplace violence".

Proposed law prohibits workplace violence against an employee of a regulated establishment and provides that whoever commits such an offense shall be charged with any of the appropriate crimes pursuant to proposed law (R.S. 14:35(B)(2) and 14:38(B)(2)).

Proposed law provides that a regulated establishment may display at its premises at least one sign that contains the following statement in 48 point boldface font:

"WARNING: Workplace violence against an employee is a crime and will not be tolerated. Such acts may result in arrest and felony conviction under Louisiana law."

Proposed law requires La. Works to prescribe and furnish a sign that conforms with the specifications provided for in proposed law. Proposed law further requires La. Works to make the sign readily accessible for or distribute the sign to a regulated establishment.

(Amends R.S. 14:35(B) and 38(B); Adds R.S. 23:271 - 274)