
DIGEST

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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)