



LEGISLATIVE FISCAL OFFICE
Fiscal Note

Fiscal Note On: **HB 1238** HLS 26RS 2103
 Bill Text Version: **ENROLLED**
 Opp. Chamb. Action:
 Proposed Amd.:
 Sub. Bill For.: HB 422

| | |
|---|------------------------------|
| Date: May 15, 2026 9:27 AM | Author: MCMAKIN |
| Dept./Agy.: Louisiana Works and Civil Service | |
| Subject: Creates the Behind the Counter Safety Act | Analyst: Darynn Hoppe |

LABOR EN SEE FISC NOTE GF EX See Note Page 1 of 2
 Enacts the Louisiana Behind the Counter Protection Act

Present Law creates the definition for simple battery and simple assault.

Proposed law creates the Behind the Counter Safety Act. Proposed law requires Louisiana Works (LA Works) to prescribe and furnish a sign to be readily available for regulated retail establishments, that provides a warning that workplace violence is a crime, and such acts may result in arrest and criminal conviction.

Proposed law expands the definition for simple assault and simple battery, to provide for penalties unique to individuals who are convicted of these acts against an employee of a regulated retail establishment. Proposed law also creates the definition for a regulated establishment, being any retail store, convenience store, pharmacy, restaurant, fast food outlet, gas station with a food or retail counter, or other licensed commercial establishment in Louisiana where employees regularly interact with the public at a service counter or cash register for the sale of goods or food for consumption on or off the premises.

| EXPENDITURES | 2026-27 | 2027-28 | 2028-29 | 2029-30 | 2030-31 | 5 -YEAR TOTAL |
|---------------------|-----------|-----------|-----------|-----------|-----------|---------------|
| State Gen. Fd. | SEE BELOW | SEE BELOW | SEE BELOW | SEE BELOW | SEE BELOW | |
| Agy. Self-Gen. | \$0 | \$0 | \$0 | \$0 | \$0 | \$0 |
| Ded./Other | \$0 | \$0 | \$0 | \$0 | \$0 | \$0 |
| Federal Funds | \$0 | \$0 | \$0 | \$0 | \$0 | \$0 |
| Local Funds | SEE BELOW | SEE BELOW | SEE BELOW | SEE BELOW | SEE BELOW | |
| Annual Total | | | | | | |
| REVENUES | 2026-27 | 2027-28 | 2028-29 | 2029-30 | 2030-31 | 5 -YEAR TOTAL |
| State Gen. Fd. | \$0 | \$0 | \$0 | \$0 | \$0 | \$0 |
| Agy. Self-Gen. | \$0 | \$0 | \$0 | \$0 | \$0 | \$0 |
| Ded./Other | \$0 | \$0 | \$0 | \$0 | \$0 | \$0 |
| Federal Funds | \$0 | \$0 | \$0 | \$0 | \$0 | \$0 |
| Local Funds | SEE BELOW | SEE BELOW | SEE BELOW | SEE BELOW | SEE BELOW | |
| Annual Total | | | | | | |

EXPENDITURE EXPLANATION

Proposed law may result in indeterminable increases to SGF and Local Expenditures to the extent a person is convicted of simple battery or simple assault against an employee of a regulated retail establishment.

Proposed law may result in an indeterminable increase in SGF expenditures in the Department of Public Safety & Corrections-Corrections Services (DPS&C-CS), to the extent that individuals are convicted of simple assault and / or simple battery against employees of a regulated establishment. Proposed law creates a crime, and is a relative felony. Any impact on either state or local expenditures is contingent on whether offenders sustain either a misdemeanor or felony-grade convictions for their violation. The exact fiscal impact to DPS&C-CS is indeterminable, as it is unknown how many people will be convicted or the length of the sentences assessed with those convictions as a result of its potential enactment. The maximum imprisonment term for simple battery against an employee of a regulated retail establishment is two years.

To the extent that offenders sustain a felony-grade conviction for violation of the proposed law, DPS&C-CS will sustain an indeterminable increase in expenditures. For those convicted, sentenced, and then subsequently housed in a state facility, DPS&C-CS will sustain expenditures of \$107.60 per offender per day. For those housed in local facilities, DPS&C-CS will sustain expenditures of \$29.39 per offender per day. DPS&C-CS advises that impacts on offender populations are anticipated to impact the number of offenders held in local facilities, and that in managing its offender population, it seeks to fill all beds in state facilities first, then assigns overflow offenders to local facilities.

To the extent that offenders sustain a misdemeanor conviction for violation of the proposed law, local governing authorities will sustain Local Funds expenditures. The exact fiscal impact of the passage of this legislation to local governing authorities is indeterminable, since it is not known how many people will be convicted and incarcerated in local facilities, nor the length of the sentences assessed with those convictions as a result of its potential enactment.

Proposed law requires Louisiana Works (LA Works) to create signage to be made readily available to regulated establishments. This sign must be in forty-eight boldface font, and state "WARNING: Workplace violence against an employee is a crime and will not be tolerated. Such acts may result in arrest and criminal conviction under Louisiana law." LA Works reports that these signs can be created using existing budgetary and staffing resources. To the extent that additional resources are required, additional funds may be needed.

REVENUE EXPLANATION

Proposed law may result in an indeterminable increase to local revenues as a result of convictions of simple assault and simple battery against employees of a regulated establishment. The exact fiscal impact of the passage of this legislation on local revenue is indeterminable, as the fines that would be imposed on those convicted are optional, and the amount of fines, if imposed, may vary. The potential revenue will accrue to the local governing authority.

Senate Dual Referral Rules
 13.5.1 >= \$100,000 Annual Fiscal Cost {S & H}
 13.5.2 >= \$500,000 Annual Tax or Fee Change {S & H}

House
 6.8(F)(1) >= \$100,000 SGF Fiscal Cost {H & S}
 6.8(G) >= \$500,000 Tax or Fee Increase or a Net Fee Decrease {S}

Alan M. Boxberger
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 Legislative Fiscal Officer



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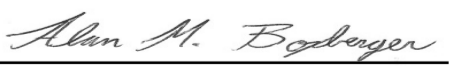
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CONTINUED EXPLANATION from page one:

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