

ACT No. 342

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

BY REPRESENTATIVE MCMAKIN

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AN ACT

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

Be it enacted by the Legislature of Louisiana:

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

§35. Simple battery

* * *

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

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

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§38. Simple assault

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

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

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

8 PART III. THE LOUISIANA BEHIND THE COUNTER PROTECTION ACT

9 §271. Short title

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

12 §272. Definitions

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

14 (1) "Department" means Louisiana Works.

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

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

24 §273. Prohibition against workplace violence; penalties

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

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

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

1 §274. Signage

2 A. A regulated establishment may display at its premises at least one sign

3 that contains the following statement in forty-eight point boldface font:

4 "WARNING: Workplace violence against an employee is a crime and will not be

5 tolerated. Such acts may result in arrest and criminal conviction under Louisiana law."

6 B. The department shall prescribe and furnish a sign that conforms with the

7 specifications provided for in Subsection A of this Section. The department shall

8 make the sign readily accessible for or distribute the sign to a regulated

9 establishment.

SPEAKER OF THE HOUSE OF REPRESENTATIVES

PRESIDENT OF THE SENATE

GOVERNOR OF THE STATE OF LOUISIANA

APPROVED: _____