

CRIMINAL TRESPASS WARNING

Penal Code Section 30.05. Criminal trespass.

(a) A person commits an offense if he enters or remains on property or in a building of another without effective consent and he:

- (1) had notice that the entry was forbidden; or
- (2) received notice to depart but failed to do so.

(b) For purposes of this section:

- (1) "Entry" means the intrusion of the entire body.
- (2) "Notice" means:

(A) oral or written communication by the owner or someone with apparent authority to act for the owner;

(B) fencing or other enclosure obviously designed to exclude intruders or to contain livestock;

(C) a sign or signs posted on the property or at the entrance to the building, reasonably likely to come to the attention of intruders, indicating that entry is forbidden;

(D) the placement of identifying purple paint marks on trees or posts on the property, provided that the marks are:

- (i) vertical lines of not less than eight inches in length and not less than one inch in width;
- (ii) placed so that the bottom of the mark is not less than three feet from the ground or more than five feet from the ground; and
- (iii) placed at locations that are readily visible to any person approaching the property and no more than:

(a) 100 feet apart on forest land; or

(b) 1,000 feet apart on land other than forest land; or

(E) the visible presence on the property of a crop grown for human consumption that is under cultivation, in the process of being harvested, or marketable if harvested at the time of entry.

(3) "Shelter center" has the meaning assigned by Section 51.002(1), Human Resources Code.

(4) "Forest land" means land on which the trees are potentially valuable for timber products.

(c) It is a defense to prosecution under this section that the actor at the time of the offense was a fire fighter or emergency medical services personnel, as that term is defined by Section 773.003, Health and Safety Code, acting in the lawful discharge of an official duty under exigent circumstances.

(d) An offense under this section is a Class B misdemeanor unless it is committed in a habitation or a shelter center or unless the actor carries a deadly weapon on or about his person during the commission of the offense, in which event it is a Class A misdemeanor.

(e) A person does not have or receive notice under Subsection (b)(2)(D) unless a sign is placed at each entrance for vehicles to the property that gives notice that the presence of purple paint marks on trees or posts on the property indicates that entry is forbidden. The sign required under this subsection must be not less than two feet by three feet in size with block letters at least two inches in height. This subsection expires September 1, 1998.

(Chgd. by L.1989, chap. 139(1); L.1991, chap. 308(1); L.1993, chap. 900(1.01); L.1997, chap. 1229(1), (2), eff. 9/1/97.)

CRIMINAL TRESPASS WARNING

Person Being warned Away

Last Name F. Name M.I. Race Sex DOB

Address City State Zip

DL# State SS#

Location Warned Away From

Activity Involved

Complainant

Signature of Officer Badge# Date Time

I, the above noted and named individual, do acknowledge receipt of this warning and understand that I am to depart the above property as soon as possible. I further understand that if I return to this property, I am subject to prosecution under the laws of Texas for Criminal Trespass.

Signature