



SUBJECT

**UNAUTHORIZED PERSONS:
REFUSAL OF ENTRY, EJECTION,
IDENTIFICATION**

NUMBER

406/58

EFFECTIVE DATE:

08-26-09

AMENDS:

07-29-08

RESCINDS:

**DISTRIBUTION: Administration, CID, Patrol,
Communications, Clerical**

REFERENCES:

**CALEA / IACLEA / TPCFA
Texas Education Code 51.201, 51.204,
51.209 / Texas Penal Code 30.05**

- .10 PURPOSE:** To provide guidelines to members encountering individuals who are considered to be on District property without authorization and who have no legitimate business to enter on District property.
- .11 TEXAS EDUCATION CODE: § 51.201. APPLICABILITY OF CRIMINAL LAWS.** All the general and criminal laws of the state are declared to be in full force and effect within the areas under the control and jurisdiction of the state institutions of higher education of this state. Acts 1971, 62nd Leg., p. 3072, ch. 1024, art. 1, § 1, eff. Sept. 1, 1971.
- .12 TEXAS EDUCATION CODE: § 51.204. TRESPASS, DAMAGE, ETC...** It is unlawful for any person to trespass on the grounds of any state institution of higher education of this state or to damage or deface any of the buildings, statues, monuments, memorials, trees, shrubs, grasses, or flowers on the grounds of any state institutions of higher education. Acts 1971, 62nd Leg., p. 3072, ch. 1024, art. 1, § 1, eff. Sept. 1, 1971.
- .13 TEXAS EDUCATION CODE: § 51.209. UNAUTHORIZED PERSONS; REFUSAL OF ENTRY, EJECTION, IDENTIFICATION.** The governing board of a state institution of higher education or its authorized representatives may refuse to allow persons having no legitimate business to enter on property under the board's control, and may eject any undesirable person from the property on his refusal to leave peaceably on request. Identification may be required of any person on the property. Acts 1971, 62nd Leg., p. 3072, ch. 1024, art. 1, § 1, eff. Sept. 1, 1971.
- .20** In the absence of a violation of law or circumstances requiring that an individual who has no legitimate business on District property be detained and/or arrested, secured and transported for further investigative purposes, the following steps shall be taken:
1. The individual shall be asked for some form of official identification (i.e. Drivers License/Identification Card issued by a state, Military ID, Birth Certificate, Passport, etc.). Individuals unable to provide some form of official identification and who are found to have no record in NCIC/TCIC databases shall be photographed in the field prior to release.
 2. A check for wants and warrants shall be conducted. If there are active warrants for the individual's arrest, they shall be served.
 3. If the wants/warrants check is clear the officer conducting the inquiry shall obtain all the necessary information to prepare a report and read the written Criminal Trespass Warning to the individual encountered informing the individual that a refusal to leave is a violation of [Texas Penal Code Section 30.05](#) which may



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subject them to arrest. The individual will be asked to sign the written Criminal Trespass Warning. In cases where individuals refuse to sign the written Criminal Trespass Warning the officer shall note the refusal on the signature line by writing "REFUSED TO SIGN" and have a cover officer sign as a witness. The cover officer shall prepare a supplement to the handling officer's report.

4. The handling officer shall then request that the subject leave the property and shall visually monitor the individual to ensure that he/she does leave the property.
5. Individuals refusing to leave after receiving the written Criminal Trespass Warning and a verbal request to leave shall be arrested and processed for booking into the Bexar County Jail.