

June 5, 2008

**MEMORANDUM**

**To:** Property Owners in the Westchase District  
**From:** Mark D. Hubenak, Westchase District Public Safety Director  
**Subject:** Trespass Affidavit

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Sometimes, particularly at night and on weekends, our officers patrolling the Westchase District find people where they probably should not be. Without your consent, all they can do is suggest that the person(s) leave the premises. However, with a "Trespass Affidavit" our officers can detain, question the person, as well as check them for warrants and, if necessary, arrest them.

We ask that you help us protect your property and our area by completing the attached trespass affidavit form and return it to our office by mail or fax (713-780-8025). The affidavit allows our police officer to arrest for criminal trespass on your property without having to contact you in the process. The officer may choose to contact you prior to making the arrest if he feels the contact would be beneficial. The affidavit authorizes the officer to file trespass charges on your behalf. These affidavits will be renewed annually.

For your information, the Texas Penal Code states:

*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.*

Thank you for your assistance. Please call us at (713) 780-9434 with any questions.

## Trespass Affidavit

Dist./Beat \_\_\_\_\_

### (Business or Commercial Property)

My name is \_\_\_\_\_ . I am the \_\_\_\_\_  
(Print name) (Owner/or Agent of Owner)

of the \_\_\_\_\_ located at \_\_\_\_\_,  
(Business Name) (Street Address)

Houston, TX \_\_\_\_\_. I hereby request and authorize the Houston Police Department  
(Zip Code)

to enter the premise at said location and, in my absence, to enforce all applicable laws on my behalf in regard to the above referenced property. I further request that on my behalf, the Houston Police Department request all persons who are not patrons in the normal course of business to immediately leave the property or to be arrested pursuant to Section 30.05 of the Texas Penal Code. "No Trespassing" signs have been posted throughout the property. In Addition, my designee, or I will cooperate fully in the prosecution of anyone who is arrested for a violation of any local or state law.

My Business address is \_\_\_\_\_ . My  
business phone number is \_\_\_\_\_ .

\_\_\_\_\_  
(Signature)

*Please return via fax to 713-780-8025*

*Updated June 2008*