

**Your Power to Trespass**  
**By KrisAnne Hall, JD**

If a government agent or assignee comes to your property, it will be important to those who wish to protect their privacy and property to KNOW THEIR RIGHTS.

- You do not have to answer ANY QUESTIONS or make ANY STATEMENTS to ANY GOVERNMENT AGENT or assignee. (5<sup>th</sup> Amendment of the US Constitution and corresponding section of your State Constitution)
- Simply asking an agent to identify themselves does not waive your Rights.
- You have the Right to be free from any government agent or assignee entering your property, your home, or your business without a properly obtained warrant. (4<sup>th</sup> and 5<sup>th</sup> Amendments of the US Constitution and corresponding sections of your State Constitution.)
- Simply demanding a copy of that warrant does not waive your Rights.
- You have the Right to tell any government agent or assignee to leave your property if they cannot produce a properly obtained warrant. (4<sup>th</sup> and 5<sup>th</sup> Amendments of the US Constitution and corresponding sections of your State Constitution.)
- Simply demanding an agent or assignee of the government to leave your property does not waive your Rights.
- If a government agent or assignee refuses to leave your property or returns to your property after being warned against entering or returning, that agent or assignee has committed the crime of Trespass and is subject to arrest. (State Law, 4<sup>th</sup> & 5<sup>th</sup> Amendments to the US Constitution and corresponding sections of State Constitution as confirmed by Supreme Court Opinions).
- You have the Right to record through audio, video, or photographic recording of any government agent or assignee on your property, either with or without consent of that agent or assignee. (Multiple Federal Court Opinions recognize that the First Amendment plainly protects the filming of officers and public agents.)

Please find attached a TRESPASS WARNING form that you may issue to any government agent or assignee that fails to satisfy the requirements of the US and State Constitutions. **HAND THE COMPLETED FORM DIRECTLY TO THE AGENT OR ASSIGNEE WHILE TELLING THEM THEY MUST NOW LEAVE THE PROPERTY AND YOU WILL NOT BE ANSWERING ANY QUESTIONS.**

You should have your address pre-written on form and as the need arises, fill in the date and time. It is highly recommended that you take a picture of the agent you are serving the warning so you may then prove that this person has been issued a formal Trespass Warning.

**YOU ARE BEING ISSUED A TRESPASS WARNING. ANY FURTHER ENTRY OF THIS PROPERTY WILL BE SUBJECT TO ARREST.**

Address of Property: \_\_\_\_\_

Date and Time of Trespass: \_\_\_\_\_

Owner/Lessee of Property: \_\_\_\_\_

I have taken a photograph of you to show to a Deputy or Peace Officer to prove delivery of this Notice of Trespass.

**NOTICE TO THE TRESPASSER**

Trespass is a general intent crime that usually requires no evidence that the defendant intended to commit the offense. The mere act of willfully entering upon, remaining in, or returning to any property, or after being warned not to do so, is sufficient to establish guilt.

By State law it is a crime if the offender defies an order to leave; if the offender opens a door, fence, or gate.

Notice against trespassers may be provided by posting, fencing, cultivation, or actual communication (warning). See State Laws for the definitions of posting, fencing, cultivation, etc.

Warning may be given by the property owner or by a person authorized to do so by the property owner.

A warning may be in writing or may be verbal. A verbal warning by the property owner or his or her agent is sufficient to constitute warning against remaining in or reentry onto the property.

The inability to issue a written Trespass Warning to the subject does not prohibit a subsequent arrest for trespass if there is evidence through a sworn statement or other evidence to establish when the trespass warning was given and that it was given to the same subject. I have taken a picture of you, to establish evidence of my warning against returning to this property.

By State Law, an officer finding that a previously-warned subject has returned to the same property without an invitation to do so may arrest the subject for trespassing.

When a subject has been duly warned to leave or stay off the premises, even if those premises are a BUSINESS ESTABLISHMENT, by law it is safe to assume that any invitation to enter was withdrawn. Any return by the subject, along with a complaint and proof of warning by the owner or agent, justifies a charge of Trespass.

THERE IS NO PERMITTED "FIRST AMENDMENT ACTIVITY" ON PRIVATE PROPERTY OF ANY SORT.

**EVEN PERSONS ACTING AS AGENTS OF THE GOVERNMENT MAY BE TRESPASSED.**

State and US Constitutions guarantee that every person is to be secure in their property from searches and seizures without a warrant based upon probable cause issued pursuant to the rules of due process. Agents of the government cannot simply enter private property based upon the color of law or a perceived need. The US Supreme Court, June 23, 2021, in CEDAR POINT NURSERY ET AL. v. HASSID ET AL. established that a law that allows agents of the government or even permits private citizens the authority to enter property without a warrant or invitation can amount to the taking of that property and is therefore contrary to the Constitution.

**YOU HAVE BEEN DULY NOTIFIED- IF YOU RETURN TO THIS PROPERTY YOU WILL BE SUBJECT TO ARREST.**