

TRLA
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**Street Smart
Corpus Christi:
Know Your Rights!**



Street Smart Corpus Christi:
Know Your Rights!

This is the first publication of **Street Smart Corpus Christi**. It was prepared by Texas C-BAR, a project of Texas RioGrande Legal Aid.

We have developed this booklet to provide useful information about laws that may affect people who are homeless in Corpus Christi, Texas. Specific questions and incidents can be addressed by contacting Texas RioGrande Legal Aid at 102 Pueblo, Corpus Christi, Texas 78405 or (361) 880-5400.

This document is not a substitute for the advice of an attorney. The materials and information contained in this document may not reflect the most current legal developments.

If you have suggestions or corrections, please contact info@texasbar.org.

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1.1 Streets and Sidewalks

1.2 City Code states that you may not:

- Spit on any street, sidewalk, or public building;¹
- Place any sign, box, or other container that would obstruct any sidewalk, street, or alley of the city;²
- Injure, deface, or destroy any sidewalk, street, or street sign of the city;³
- Throw any waste into a sewer, manhole, or other public drain;⁴ or
- Throw any injurious substance (such as oil, slops, or salt) upon any paved street of the city.⁵

1.3 Penalty: Class C misdemeanor, which is a fine up to \$500.⁶

2.1 Jaywalking

2.2 City Code states:

- If there is a crosswalk nearby, you must use a crosswalk.⁷
- When crossing the street, you must cross in a straight line, not diagonally.⁸
- If there is a sidewalk near you, you must use the sidewalk and not walk in the street.⁹

2.3 Penalty: A fine between \$1 and \$200.¹⁰

3.1 Loitering

3.2 City Code states that you may not loiter if you intend to or engage in prostitution.¹¹

3.3 You may not loiter in any business parking lot between 1:00 a.m. and 4:00 a.m.¹²

3.4 You may not loiter on or fish from any bridge along Ocean Drive.¹³

3.5 Penalty: Class C misdemeanor.

1 Corpus Christi City Code § 23-60

2 Corpus Christi City Code § 49-2

3 Corpus Christi City Code § 49-4

4 Corpus Christi City Code § 23-65

5 Corpus Christi City Code § 49-5

6 Corpus Christi City Code § 1-6

7 Transportation Code § 552.005(b)

8 Transportation Code § 552.005(c)

9 Transportation Code § 552.006(a)

10 Transportation Code § 542.401

11 Corpus Christi City Code § 33-12 (a)

12 Corpus Christi City Code § 33-13 (b)

13 Corpus Christi City Code § 33-7

4.1 Criminal Trespass

4.2 You commit criminal trespass when you enter onto another's property without permission and:¹⁴

- There is a fence or other enclosure designed to exclude;
- There is a "No trespassing" sign; or
- You stay on the property after someone tells you to get off.

4.3 Penalty: Class B misdemeanor, which may be punished by a fine up to \$2,000 and/or 180 days in jail.

4.4 You may not climb upon any structure (i.e. building, fence, bridge) without consent of the owner.¹⁵

4.5 Penalty: Class C misdemeanor.

5.1 Criminal Mischief

5.2 You commit criminal mischief when you do the following to someone's property without their permission:¹⁶

- Destroy;
- Damage;
- Tamper; or
- Make markings, inscriptions or drawings.

5.3 Penalty: Ranges from a Class C misdemeanor to a felony of the first degree depending on value of property destroyed or vandalized.

5.4 City Code states that you may not throw or drop substances (whether solid or liquid) from any structure (i.e. building, fence, bridge).¹⁷

5.5 You may not hang any articles (i.e. paper, cloth) from any structure without consent from the owner.¹⁸

5.6 Penalty: Class C misdemeanor.

14 Texas Penal Code § 30.05

17 Corpus Christi City Code § 33-5

15 Corpus Christi City Code § 33-4

18 Corpus Christi City Code § 33-6

16 Texas Penal Code § 28.03

6.1 Disorderly Conduct

6.2 You may be charged with disorderly conduct if you:¹⁹

- Use vulgar language that will cause a “breach of the peace” (i.e. violence);
- Make a gesture or display that will cause a “breach of the peace;”
- Create an unreasonable odor or smell;
- Abuse or threaten someone in an offensive manner;
- Make too much noise;
- Fight with someone;
- Enter private property and look into someone’s window; or
- Go into a public bathroom or shower stall and look at someone.

6.3 Penalty: Class C misdemeanor.

6.4 Note: If you expose your anus or genitals, you could be charged with disorderly conduct. However, if you expose your anus or genitals for sexual gratification or arousal, you can be cited for indecent exposure.²⁰ If you expose your anus or genitals with intent to arouse or gratify the sexual desire of yourself or any other person, knowing a child is present, you may be charged with indecency with a child.²¹

6.5 Penalty for indecent exposure: Class B misdemeanor.

6.6 Acts that constitute a noise nuisance include:²²

- Playing of any radio, television, or musical instrument;
- Keeping of any animal that makes a continued noise; and
- Raucous shouting, calling, or hollering.

6.7 Penalty: Class C misdemeanor.

19 Texas Penal Code § 42.01

20 Texas Penal Code § 21.08

21 Texas Penal Code § 21.11

22 Corpus Christi City Code § 31-2

7.1 Public Lewdness

7.2 It is illegal to do the following in a public place:²³

- Have sexual intercourse; or
- Have any sexual contact, which is touching another's genitals or breast in order to arouse.

7.3 Penalty: Class A misdemeanor, which may be punished by a fine up to \$4,000 and/or one year in jail.

8.1 Assault

8.2 You commit assault when you:²⁴

- Cause an injury to another or your spouse;
- Threaten to injure another person or your spouse; or
- Cause contact you know the other person will find offensive.

8.3 Penalty: Causing an injury is a Class A misdemeanor. Threatening injury or offensively touching someone is a Class C misdemeanor. If you live with or are related to the victim, the penalty could be increased because it may be classified as domestic assault.

8.4 Penalty for domestic assault: The first offense is a Class A misdemeanor. Subsequent convictions are third degree felonies, which may be punished by a fine up to \$10,000 and between two and ten years in jail.

9.1 Weapons

9.2 Texas state law defines an "illegal knife" as a:²⁵

- Knife with a blade over five and one-half inches;
- Hand instrument designed to cut or stab another by being thrown;
- Dagger, including but not limited to a dirk, stiletto and poniard;
- Bowie knife;
- Sword; or
- Spear.

23 Texas Penal Code § 21.07

24 Texas Penal Code § 22.01

25 Texas Penal Code § 46.01

9.3 State law says that it is illegal to carry the following on or near you²⁶ (in your pocket, pants, glove compartment, etc.):²⁷

- Handgun;
- Illegal knife; or
- Club
 - * A club is defined as:
 - Blackjack
 - Nightstick
 - Mace
 - Tomahawk

9.4 Penalty: Class A misdemeanor.

9.5 A person may not enter city premises with a concealed or unconcealed firearm.²⁸

9.6 Penalty: Class C misdemeanor.

10.1 Camping

10.2 It is unlawful to camp or build a campfire in the following places:²⁹

- Corpus Christi Improvement District, including Corpus Christi Beach and downtown and uptown areas;
- Nueces River Park;
- Shoreline-Ocean Drive Parkway; and
- John F. Kennedy Memorial Causeway Recreation Area.

10.3 Under certain conditions, you may camp for no more than three consecutive days at:³⁰

- Corpus Christi Beach Park;
- Municipal parking lot at the Bayfront Science Park;
- Nueces River Park; and
- John F. Kennedy Memorial Causeway Recreation Area.

10.4 Penalty: Class C misdemeanor.

26 The penal code states “about his person,” where “about” has been defined as “near by, close at hand, convenient of access, and within such distance of the person in question that the person could, without materially changing position, place a hand on the weapon,”

Courtney v. State, 424 S.W.2d 440 (Tex. Crim. App. 1968).

27 Texas Penal Code § 46.02

28 Corpus Christi City Code § 33-79

29 Corpus Christi City Code § 36-8 (a) (b)

30 Corpus Christi City Code § 36-8 (c)

11.1 Urinating or Defecating in Public

11.2 City Code states that you may not urinate or defecate.³¹

- In public view; or
- On public property (i.e. streets, alleys, sidewalks).

11.3 Penalty: Class C misdemeanor, which may be punished by a fine up to \$500.

12.1 Bathing, Swimming, and Wading

12.2 You may not bathe, swim, or wade in any of the following waters:³²

- Rock breakwater between Market Street and Shoreline Drive;
- Corpus Christi ship channel;
- Nueces River, from the Calallen plant to one-half mile upstream;
- From any public docks or boats within the harbor;
- Any private swimming pool without the consent of owner;
- Packery Channel; or
- Alongside Bob Hall Pier.³³

12.3 Penalty: Class C misdemeanor.

13.1 Panhandling or Begging

13.2 You may never panhandle, ask for work, or sell objects while in a roadway, unless authorized by the city to solicit for a charitable contribution.³⁴

13.3 Penalty: Class C misdemeanor.

14.1 Prostitution

14.2 Prostitution is defined as offering, agreeing, or engaging in sexual conduct for a fee.³⁵

14.3 Penalty: First offense is a Class B misdemeanor. Second or third offense is a Class A misdemeanor. A fourth offense is a state jail felony.

31 Corpus Christi City Code § 33-15

32 Corpus Christi City Code § 12-7

33 Corpus Christi City Code § 12-29

34 Transportation Code § 552.007(b)

35 Texas Penal Code § 43.02

14.4 City Code prohibits a known prostitute from loitering in a public place for the purpose of engaging in prostitution.³⁶

15.1 Public Park Rules and Curfews

15.2 Alcohol is prohibited in all city parks and adjacent parking lots, except those on the Gulf of Mexico beach.³⁷

15.3 You may not be present in any city park or affiliated parking lot between 10:00 p.m. and 6:00 a.m.³⁸

15.4 You may not have any animals within the KidsPlace playground in Cole Park.³⁹

15.5 Penalty: Class C misdemeanor.

16.1 Littering

16.2 You may not litter:

- Any public place (i.e. streets, sidewalks, structures);⁴⁰
- Any public beach;⁴¹ or
- Any business or commercial establishment.⁴²

16.3 Penalty: A fine between \$100 and \$2,000 for first offense.⁴³

16.4 You may not deposit any glass bottle or glass container in any city park, city-operated beach, or public property adjoining Corpus Christi Bay.⁴⁴

16.5 Penalty: Class C misdemeanor.

17.1 Alcoholic Beverages

17.2 You may not possess, use, or consume any alcoholic beverage in the following places:

- Any public school property in Corpus Christi;⁴⁵
- Within the Corpus Christi Central Business District;⁴⁶ or
- Any city park or adjacent parking lots on the Gulf of Mexico beach.⁴⁷

36 Corpus Christi City Code § 33-12 (a)

37 Corpus Christi City Code § 36-10 (a)

38 Corpus Christi City Code § 36-10 (b) (c)

39 Corpus Christi City Code § 36-9

40 Corpus Christi City Code § 23-63

41 Corpus Christi City Code § 10-57

42 Corpus Christi City Code § 21-52

43 Corpus Christi City Code § 23-63 (i)

44 Corpus Christi City Code § 23-64

45 Corpus Christi City Code § 4-1

46 Corpus Christi City Code § 4-8

47 Corpus Christi City Code § 36-10

17.3 State law says you may NEVER drink alcohol within 1,000 feet of a pre-K, elementary, junior high, or senior high school.⁴⁸

17.4 Penalty: Class C misdemeanor.

17.5 Note: A city may prohibit the possession of an open container or consumption of an alcoholic beverage on public property, within 1,000 feet of a homeless shelter or substance abuse treatment center.⁴⁹

17.6 Note: Public intoxication is a state crime.⁵⁰

17.7 Penalty: Class C misdemeanor. If you are under 21, not a child, and have been convicted twice before, then you can be fined between \$250 and \$2,000 AND sentenced to jail for 180 days.⁵¹

17.8 You may not consume or possess alcohol in a public place on Sunday between the hours of 2:15 a.m. and 12:00 noon, and on all other days between 2:15 a.m. and 7:00 a.m.⁵²

17.9 Penalty: A fine up to \$50.

18.1 Controlled Substances

18.2 You may not be in any public place while under the influence of drugs, such that you do not have normal control of your physical and mental faculties.⁵³

18.3 You may not intentionally possess glue or spray paint or inhale the fumes of such substance for the purpose of intoxication, excitement, or dulling of senses.⁵⁴

18.4 No minor under eighteen years of age may possess or buy any glue or spray paint, nor can any person sell or transfer possession of glue or spray paint to a minor.⁵⁵

18.5 Penalty: Class C misdemeanor.

48 Alcoholic Beverage Code § 101.75

49 Alcoholic Beverage Code § 109.36

50 Texas Penal Code § 49.02

51 Alcoholic Beverage Code § 106.071

52 Corpus Christi City Code § 4-2

53 Corpus Christi City Code § 33-3

54 Corpus Christi City Code § 33-58, 59

55 Corpus Christi City Code § 33-60

19.1 Glass Containers

19.2 City Code states that you may not carry glass containers in the following areas:⁵⁶

- Any city park;
- Any beach; or
- Any public property adjoining Corpus Christi Bay.

19.3 Penalty: Class C misdemeanor.

20.1 Smoking

20.2 City Code states that you cannot smoke in these places:⁵⁷

- Any public space (i.e. arenas, hospitals, courthouses, museums, public restrooms);
- Any public school;
- Groceries;
- Stores;
- Employee workplaces;
- Food service establishment;
- Entertainment venues; or
- On any ship, dock, or wharf.⁵⁸

20.3 Penalty: Class C misdemeanor.

21.1 Dealing with a Police Officer

Below are some of the main laws about speaking or dealing with a police officer. These are not all the laws but only a guide.

21.2 Texas state law says you may not:

- Refuse to give your name, address⁵⁹ or date of birth, when asked by a police officer after you have been arrested.⁶⁰

* **Penalty:** Class C misdemeanor.

56 Corpus Christi City Code § 23-64

57 Corpus Christi City Code § 23-76

58 Corpus Christi City Code § 12-20

59 If you are homeless, you may say you do not have an address.

60 Texas Penal Code § 38.02(a)

- Give a false name, address, or date of birth to a police officer after you have been arrested, stopped (detained), or if you are a witness to a crime.⁶¹
 - * **Penalty:** Class B misdemeanor.
- Leave a police officer who is trying to arrest or stop (detain) you.⁶²
 - * **Penalty:** Class B misdemeanor.
- Prevent or obstruct a police officer or a person under the police officer’s direction if they are trying to arrest, search, or transport you or someone else.⁶³
 - * **Penalty:** Class A misdemeanor.
- Hinder, hide or help someone who is being arrested or detained by a police officer.⁶⁴
 - * **Penalty:** Class A misdemeanor.

21.3 You have the right:

- After you have given the police officer your name, address and date of birth, you have the right not to answer a police officer’s questions even if you’re only a witness to a crime.⁶⁵
- You have a right to stop answering questions, even if you have already answered some of a police officer’s questions.
- You have the right to object to a search by a police officer,⁶⁶ but do not physically resist the police officer’s arrest.
- You have the right to be free from excessive force.⁶⁷

21.4 How do you know when you are under arrest?

- You may be under arrest without the police officer saying the word “arrest.”
- You are arrested when the police officer takes you into custody or deprives you of freedom of movement in any significant way.⁶⁸

61 Texas Penal Code § 38.02(b)

62 Texas Penal Code § 38.04

63 Texas Penal Code § 38.03

64 Texas Penal Code § 38.05

65 U.S. Const. 5th Amendment

66 U.S. Const. 4th Amendment

67 U.S. Const. 4th Amendment

68 “If You Are Arrested,” State Bar of Texas

- A police officer may detain you without arresting you. The officer may detain you if he suspects you may be involved in criminal activity. After a temporary detention, a police officer must either arrest you or let you go.
- If you are not sure, ask the police officer if you are under arrest and why!

21.5 A police officer has the right to administer a “pat down” if he/she has a reasonable belief that you are carrying weapons.⁶⁹

22.1 Warrants

22.2 If you fail to make a plea to each violation on a ticket within 30 days, the court will:

- Issue a warrant;
- Charge the standard fine plus \$50; and
- Send a request to the Texas Department of Public Safety for Denial of Drivers License or Identification Card.⁷⁰

23.1 Municipal Court

23.2 All Class C misdemeanors and other violations of city ordinances within the City of Corpus Christi should be tried in Municipal Court.

23.3 Municipal Court is located at **120 N. Chaparral Street**. It operates from 7:30 a.m. to 6 p.m. Monday-Friday. The court may be reached at (361) 886-2500 or through the 24-hour information line at (361) 886-2559.

⁶⁹ Terry v. Ohio, 392 U.S. 1 (1968)

⁷⁰ Texas Code of Criminal Procedure
§ 15.01

24.1 Reporting Police Misconduct

24.2 You may be a victim of police misconduct if a police officer inappropriately uses force and inflicts harm on you. All police misconduct should be reported.

24.3 To report misconduct, contact the Internal Affairs division of the Corpus Christi Police Department.

Corpus Christi Police Department
Internal Affairs
321 John Sartain
Corpus Christi, TX 78401
phone: (361) 886-2627

If after normal business hours, contact the Dispatch Supervisor at (361) 886-2802.

25.1 Resources

25.2 To apply for legal services or to make referrals, contact:

Texas RioGrande Legal Aid
Corpus Christi Office
102 Pueblo
Corpus Christi, TX 78405
phone: (361) 880-5400
fax: (361) 883-7615

For local contact information, visit the website at:

www.trla.org

Notes:



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102 Pueblo

Corpus Christi, TX 78405

Phone: (361) 880-5400

Fax: (361) 883-7615

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www.trla.org



Municipal Court

120 N. Chaparral Street

Corpus Christi, TX 78401-2802

phone: (361) 886-2500

info line: (361) 886-2559