



Street Smart Fort Worth: Know Your Rights!





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This is the first publication of **Street Smart Fort Worth**. It has been prepared by Texas C-BAR, which is a project of Texas RioGrande Legal Aid. Thank you to Carlos Galliani for volunteering to compile the information in this booklet.

We have developed this booklet to provide useful information about laws that may affect people who are homeless in Fort Worth, Texas. Specific questions and incidents can be addressed by contacting Legal Aid of NorthWest Texas, 600 E. Weatherford St., Fort Worth, Texas 75102 or (800) 955-3959.

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 Blocking a Sidewalk or Public Access Way

1.2 You may not interfere with the free and unobstructed use of streets and sidewalks by:

- Congregating on public streets or sidewalks; or
- Obstructing entrances, alcoves, and steps to public and private structures.¹

1.3 Penalty: A fine, which may not exceed \$500.²

2.1 Jaywalking

2.2 If there is a crosswalk nearby, you must use a crosswalk or you risk being cited.³

2.3 When crossing the street, you must cross in a straight line, not diagonally.⁴

2.4 If there is a sidewalk near you, you must use the sidewalk and not walk in the street.⁵

2.5 Penalty: A fine of between \$1 and \$200.⁶

3.1 Criminal Trespass⁷

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

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

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

1 Fort Worth Code §30-5, 30-6

2 Fort Worth Code § 1-6

3 Transportation Code § 552.005(b)

4 Transportation Code § 552.005(c)

5 Transportation Code § 552.006(a)

6 Transportation Code § 542.401

7 Texas Penal Code § 30.05

4.1 Criminal Mischief

4.2 You commit criminal mischief when you do the following to someone's property without their permission:⁸

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

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

5.1 Disorderly Conduct

5.2 You may be charged with disorderly conduct if you:⁹

- 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;
- Expose your anus or genitals in a public place;
- Enter private property and look into someone's window; or
- Go into a public bathroom or shower stall and look at someone.

5.3 Penalty: Class C misdemeanor.

5.4 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.¹⁰ 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.¹¹

8 Texas Penal Code § 28.03

9 Texas Penal Code § 42.01

10 Texas Penal Code § 21.08

11 Texas Penal Code §21.11

5.5 Penalty for indecent exposure: Class B misdemeanor.

6.1 Public Lewdness

6.2 It is illegal to do the following in a public place:¹²

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

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

7.1 Indecent Exposure

7.2 You may not expose your anus or any part of your genitals with intent to arouse or gratify the sexual desire of any person.¹³

7.3 Penalty: Class B misdemeanor.

8.1 Assault

8.2 You commit assault when you:¹⁴

- Cause an injury to another or their spouse;
- Threaten to injure another person or their 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 is then classified as domestic assault.

8.4 Penalty for domestic assault: Third degree felony, which may be punished by a fine up to \$10,000 and between two to ten years in jail.

¹² Texas Penal Code § 21.07

¹³ Texas Penal Code § 21.08

¹⁴ Texas Penal Code § 22.01

9.1 Weapons

9.2 Texas state law defines an “illegal knife” as a:¹⁵

- 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.

9.3 State law says that it is illegal to carry the following on or near you¹⁶ (in your pocket, pants, glove compartment, etc.):¹⁷

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

9.4 Penalty: Class A misdemeanor.

10.1 Soliciting

10.2 One may not distribute or sell any goods or wares on any median or traffic island in the city.¹⁸

10.3 You may never molest anyone while soliciting trade or patronage on any city street or in any alcove.¹⁹

10.4 Penalty: A fine, which may not exceed \$500.²⁰

15 Texas Penal Code § 46.01

16 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).

17 Texas Penal Code § 46.02

18 Fort Worth Code § 30-2

19 Fort Worth Code § 30-3

20 Fort Worth Code § 1-6

11.1 Prostitution

11.2 Prostitution is always illegal. Prostitution is defined as offering, agreeing, or engaging in sexual conduct for a fee.²¹

11.3 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.

12.1 Noise

12.2 You may not create any loud, disturbing or unnecessary noise that is within the immediate vicinity of others.²²

12.3 Noise by the following acts is presumed to be unreasonable:

- Playing musical instruments, especially between 10 p.m. and 7 a.m.
- Raucous shouting and crying of hawkers, peddlers and vendors.

12.4 Penalty: A fine, which may not exceed \$500.²³

13.1 Dogs on a Leash

13.2 You must keep your dog on a leash and under your direct physical control in any city park or recreational area.²⁴

13.3 Dogs are permitted off-leash in off-leash designated areas.

13.4 Penalty: A fine, which may not exceed \$500.²⁵

21 Texas Penal Code § 43.02

22 Fort Worth Code § 23-8

23 Fort Worth Code § 1-6

24 Fort Worth Code § 24-9

25 Fort Worth Code § 1-6

14.1 Health and Sanitation

14.2 You may not dispose of dead animals, human or animal waste, or other filth on public or private property.²⁶

14.3 Penalty: A fine, not to exceed \$2,000.²⁷

15.1 Alcoholic Drinks or Beverages

15.2 Fort Worth city ordinances say you may not drink any alcoholic beverage within 1000 feet of the property line of following areas, if they are located in a “central business district:”²⁸

- a homeless shelter; or
- a substance abuse center.

15.3 Penalty: A fine, not to exceed \$500.²⁹

15.4 You may not appear in public while intoxicated to a degree that you may endanger yourself or another person.³⁰

15.5 Penalty: Class C misdemeanor.³¹

16.1 Smoking

16.2 You may not smoke in an enclosed area, including:³²

- retail stores;
- public transportation facilities;
- other public places.

16.3 Penalty: Class C misdemeanor, punishable by a fine not to exceed \$500.³³

17.1 Public Park Rules and Curfews

17.2 You may not dispose of paper, litter, metal, cigarette butts, or trash except in waste bins located in a park or community center:

26 Fort Worth Code § 16-294

27 Fort Worth Code § 16-14

28 Fort Worth Code § 4-5; Central Business District means a compact and contiguous geographical area of a municipality used for commercial purposes that has historically been the primary location in the municipality where business has been transacted.

29 Fort Worth Code § 1-6

30 Texas Penal Code § 49-02(a)

31 Texas Penal Code § 49.02(c)

32 FortWorth Code § 29.5-2

33 Fort Worth Code § 29.5-21

17.3 You may not possess alcoholic beverages in:³⁴

- Fenced areas surrounding any swimming pool in the city;
- Recreation or community center parking lots;
- Wildlife preserves.

17.4 Penalty: A fine not to exceed \$500.³⁵

17.5 You may possess alcohol in a public park if there is no warning sign posted.³⁶

17.6 Penalty: A fine not to exceed \$500.³⁷

17.7 You may not be in any park between 11:30 p.m. and 5 a.m. unless otherwise posted.³⁸

17.8 Penalty: A fine not to exceed \$500.³⁹

18.1 Public Cemetery Curfew

18.2 Unless otherwise posted, you cannot enter a cemetery between thirty (30) minutes after sunset and thirty (30) minutes before sunrise.⁴⁰

18.3 Penalty: A fine, not to exceed \$500.⁴¹

19.1 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.

19.2 Texas state law says you may not:

- Refuse to give your name, address⁴² or date of birth, when asked by a police officer after you have been arrested.⁴³
 - **Penalty:** Class C misdemeanor
- 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.⁴⁴
 - **Penalty:** Class B misdemeanor

34 Fort Worth Code § 24.17(a)

35 Fort Worth Code § 1-6

36 Fort Worth Code § 24-17(b)

37 Fort Worth Code § 1-6

38 Fort Worth Code § 24-8

39 Fort Worth Code § 1-6

40 Fort Worth Code § 24-12

41 Fort Worth Code § 1-6

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

43 Texas Penal Code § 38.02(a)

44 Texas Penal Code § 38.02(b)

- Leave a police officer who is trying to arrest or stop (detain) you.⁴⁵
 - **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.⁴⁶
 - **Penalty:** Class A misdemeanor
- Hinder, hide or help someone who is being arrested or detained by a police officer.⁴⁷
 - **Penalty:** Class A misdemeanor

19.3 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.⁴⁸
- 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,⁴⁹ but do not physically resist the police officer’s arrest.
- You have the right to be free from excessive force.⁵⁰

19.4 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.⁵¹
- 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!

45 Texas Penal Code § 38.04

46 Texas Penal Code § 38.03

47 Texas Penal Code § 38.05

48 U.S. Const. 5th Amendment

49 U.S. Const. 4th Amendment

50 U.S. Const. 4th Amendment

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

19.5 A police officer has the right to administer a “pat down” if he/she has a reasonable belief that you are carrying weapons.⁵²

20.1 Warrants

20.2 A warrant is an order from a judge instructing the police to arrest an individual accused of violating a law(s).⁵³

20.3 A warrant is issued when:

- You fail to make a plea or go to court on the date listed on your ticket;
- You fail to do what the Judge tells you to (i.e. community service); or
- You fail to pay off the ticket.

20.4 If there is a warrant for your arrest, a police officer may stop and arrest you even if the police officer has not witnessed you doing anything illegal.

20.5 To find out if there is a warrant for your arrest:

- You can call (817) 392-6730 (Warrant Division) to find out if there is an outstanding warrant for you.
- You can go to the Warrant Online Database at www.fortworthgov.org/applications/warrantsonline/ to find out if there is an outstanding warrant for you. (The database is updated every morning between the hours 4:30 and 5:30 a.m. Central Time.)

21.1 Reporting Police Misconduct⁵⁴

21.2 When a citizen lodges a complaint against a member of the Fort Worth Police Department, it is assigned to the **Internal Affairs, 350 W. Belknap St., Fort Worth, Texas 76102**, for review. The phone number for internal affairs is **(817) 392-4270** and office hours are Monday-Friday, 8 a.m. - 5 p.m.

⁵² *Terry v. Ohio*, 392 U.S. 1 (1968)

⁵³ Texas Code of Criminal Procedure § 15.01

⁵⁴ <http://www.fortworthpd.com>

21.3 If the Internal Affairs Division (IAD) offices are closed, you may lodge a complaint with any supervisory officer of the department. Once received, the complaint will be investigated by IAD or the employee's supervisor.

21.4 Texas law requires that all complaints against police officers must be in writing and signed by the person making the complaint. Just as citizens who are arrested must be notified of the charges against them, police officers must be given a copy of the complaint before any disciplinary action may be taken.

21.5 Complaints must be made within 60 days of the incident complained about, except in special cases (such as criminal misconduct or when good cause can be shown by the person making the complaint). Complaints must be made by the person aggrieved (wronged). Other persons may give statements as witnesses.

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

21.7 If you are a victim of police misconduct, please follow these steps:

- Immediately after the incident contact Legal Aid of NorthWest Texas (817) 336-3943; and
- Contact the Internal Affairs Division of the Fort Worth Police Department to file your report.

22.1 Municipal Court

22.2 The Fort Worth Municipal Court is open 7 a.m. to 8 p.m. Monday through Friday, and then 8 a.m. to 12 noon and 1 p.m to 5 p.m on Saturday.

Fort Worth Municipal Court

1000 Throckmorton Street
Fort Worth, Texas 76102-6312

22.3 The Fort Worth Municipal Court Homeless Court Information Line is (817) 392-6990.

22.4 Goodwill Industries partners with the court systems in Tarrant, Denton, Parker and Johnson Counties to offer court-mandated community service hours to those on probation.

United Way First Call for Help

Dial 2-1-1

**Legal Aid of NorthWest Texas
600 Weatherford St., 2nd Floor
Fort Worth, TX 76102**

(817) 336-3943 (M-F 8 a.m. -5 p.m.)

(800) 955-3959



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

Legal Aid of Northwest Texas

600 E. Weatherford St., 2nd Floor

Fort Worth, Texas 75102

Phone: (817) 336-3943

Toll-free: (800) 955-3959

Fax: (817) 877-0804

For local contact information visit their web site:

www.lanwt.org



Municipal Court

1000 Throckmorton Street

Fort Worth, Texas 76102-6312