

Don't pass the purple

Purple paint one of five ways to say 'No Trespassing'...

By Jessica Domei
Field Editor

It seems out of place. A band of purple paint in the middle of nowhere. Maybe East Texas. Maybe the vast ranchlands of South Texas. But this unique color sends a strong signal. "No Trespassing."

Painting fence posts or trees with a swath of purple is one of five ways Texas landowners can indicate that passage without permission is forbidden.

If you're going to use purple paint however, you have to follow the rules.

"So long as you've got the paint frequently enough—no more than 100 feet apart on forest land or 1,000 feet on non-forest land—that provides the notice required for criminal trespass liability," said Tiffany Dowell Lashmet, an AgriLife Extension agriculture law specialist.

The law has been around since the

late 1990s. It calls for purple to be painted in a vertical line at least eight inches long and at least an inch thick. It must be at least three feet from the ground but no higher than five feet. It must be readily visible to anyone approaching the property.

"If you want someone to be criminally liable, you have to give them notice that entry is forbidden," Dowell Lashmet said. "If you follow the rules and someone trespasses, you'll be able to have them prosecuted for criminal trespass."

That is, so long as three factors are met.

The first is that a person is entering property that's not theirs. Second, the person enters without consent. Third, the person had to have notice that entry was forbidden.

There are five ways landowners in Texas can provide that notice. They include:

- A landowner verbally, or through writing, forbids entrance to the property.

- A fence or enclosure that is obviously designed to keep people out or livestock in.

- No trespassing signs on the property or building entrance. The signs have to likely be in the person's view when entering the property.

- Purple paint.
- Visible presence of a crop grown for human consumption that's either under cultivation, in the process of being harvested or would be marketable if harvested at the time the person enters illegally.

"If you have a field of cotton growing, it may very well be that you don't have to have the purple paint or a no trespass sign," Dowell Lashmet said. "It is enough that you have a crop under cultivation."

To criminally prosecute a trespasser in Texas, at least one of the five methods of notifications must be used. Of course, landowners can use as many as they like.

"The safest thing people could do is have more than one. That would



Purple paint, with its unique coloring, sends a strong signal to protect private property: 'No Trespassing.' Texas A&M AgriLife Communications photo by Robert Burns.

give them more argument if, for some reason, they could prove their purple paint wasn't high enough or the mark wasn't wide enough," Dowell Lashmet said. "I think being aware of the five different ways notice can be given is a really good thing for landowners."

"No trespass" specifications can be found in Texas Penal Code section 30.05 at <http://bit.ly/NoTrespass>.