**Guidelines to Issuing Trespass Warnings**

**The most important details about trespass warnings are:**

1. They are issued directly to the person being trespassed
2. They are specific as to trespassed location and enforceable time period
3. It can be verified that the warning was given and that verification can be presented in court, in the event the person pleads "not guilty" to the charge

A ***verbal warning*** may be given, but a ***written warning*** is more likely to be prosecuted. Again, the point is to be able to prove in court that the person was given fair warning.

**Enforceable trespass notices can be established in several ways:**

1. If an officer is already on scene and in contact with the offending individual, at your request, the officer can verbally inform the person they are trespassed; the officer then makes note of that warning here at the police department, and should give you the case number, that way the documented warning can be located again in order to issue a ticket to the same person later, should they violate the warning
2. You may hand-deliver a written trespass notice directly to the person, or send it by certified mail (return notice requested, for delivery verification); you should have a duplicate saved for your records, and send a copy to the police department for our files
3. You may give someone a verbal notice, but this is the least effective method; if you choose this, it is recommend that you have a witness who you can produce in court, and also reduce the notice and service date to writing in your own records

**\*\*Page 2 of this document may be printed and used for actual trespass warning notices\*\***

**TRESPASS NOTICE**

\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

 *(Date)*

**\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_**

**\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ *Clearly print name & address ( if address is known)***

**\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_**

**Dear \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_:**

This letter will serve as notice that you are forbidden from entering or coming upon the occupied structure(s) or premises located at *(describe location as explicitly as possible)*:

\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_.

Should you fail to abide by this notice you may be subject to arrest and criminal prosecution under MCA 45-6-203 A. This notice will remain in effect from this date until such time as it is cancelled by the owner or his/her designated representative.

Sincerely,

\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ *(Print name)* \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ *(Sign name)*

**THIS NOTICE WAS DELIVERED TO THE PERSON NAMED ABOVE ON THE \_\_\_\_\_\_\_\_\_ DAY OF \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_, 20\_\_\_\_, by (choose one):**

**□ Mail □ Personal Service □ Law Enforcement**

A. **MCA 45-6-203. Criminal trespass to property**. (1) Except as provided in 15-7-139 and 70-16-111, a person commits the offense of criminal trespass to property if the person knowingly:

 (a) enters or remains unlawfully in an occupied structure; or

 (b) enters or remains unlawfully in or upon the premises of another.

 (2) A person convicted of the offense of criminal trespass to property shall be fined not to exceed $500 or be imprisoned in the county jail for any term not to exceed 6 months, or both.

**45-6-201. Definition of "enter or remain unlawfully".** (1) A person enters or remains unlawfully in or upon any vehicle, occupied structure, or premises when he is not licensed, invited, or otherwise privileged to do so. Privilege to enter or remain upon land is extended either by the explicit permission of the landowner or other authorized person or by the failure of the landowner or other authorized person to post notice denying entry onto private land. The privilege may be revoked at any time by personal communication of notice by the landowner or other authorized person to the entering person.