



OFFICE OF THE ATTORNEY GENERAL OF TEXAS
AUSTIN

GERALD C. MANN
ATTORNEY GENERAL

Honorable P. W. Minter
County Attorney
Jim Hogg County
Hebbronville, Texas

Dear Sir:

Opinion No. 0-5485
Re: Prowling around the premises of others, unaccompanied by acts specifically denounced by the Penal Code of Texas, is not necessarily a violation of law.

Replying to your recent letter we have to advise that one "who prowls around the premises of another at about the usual hour of retirement at night" and possibly peers into the windows of the occupants of such premises, does not necessarily commit an act that is denounced as a crime by the Penal Code of Texas. Such conduct, suspicious or reprehensible as it may be, must be accompanied by some act that is specifically denounced by the Penal Code before it can form the basis of a criminal prosecution.

In the brief submitted with your inquiry, you referred to offenses against the public peace, morals, decency and chastity, and the offenses of trespass and malicious mischief. These statutes and others cover a great variety of prohibited acts designed to protect the privacy of the home. But, as you concluded, none of them cover the situation you have described.

While your statement does not indicate that the offending person was masked or disguised, we call your attention to Articles 454a, 454b and 454c, Vernon's Penal Code of Texas, making it an offense for a masked or disguised person to go into or near any private house or disturb any of the inhabitants thereof.

Yours very truly

ATTORNEY GENERAL OF TEXAS

RECEIVED AUG 11, 1943
Ernest Sellen
FIRST ASSISTANT ATTORNEY GENERAL

By *Elbert Hooper*
Elbert Hooper
Assistant

BH:db

APPROV
OPINIC
COMMIT
BY *BW*
CHAIRM