

Mandatory Electronic Notification and Selection of a DA Designee

Selection of the Designee - 72.038 (c-1) Texas Government Code:

The office shall provide to the elected district attorney in each county an electronic copy of the form submitted to the office under Subsection (c) for each defendant whose bail is set in the county for an offense involving violence, as defined by Article [17.03](#), Code of Criminal Procedure. An elected district attorney shall provide an e-mail address to the office for the purpose of receiving a form as provided by this subsection.

The intent is to ensure prosecutors are promptly notified when a person has been arrested within their respective jurisdiction(s) and a bail form has been completed for a violent felony (as described in 17.03 Texas Code of Criminal Procedure).

Each District Attorney's office will need to establish their own internal procedure when notification is received and how the designee will route it within the office.

Best Practices in Selecting a Designee:

The elected District Attorney should designate one or more individuals within their office(s) to receive these electronic notifications. Although not required, setting up a shared inbox helps ensure continued access if a designated individual separates from the office or is unavailable. This practice also allows the DA's office to manage users without notifying OCA of each change. It is also highly encouraged to ensure your IT department does not have restrictions on the email domain that would prevent notices arriving in the designee inbox.

Submitting Designee Information to OCA:

Upon selecting the office's designee, their name, main office line and email address should be provided to Bail@txcourts.gov. You will receive a response notifying you that the changes have been made.

Designee Changes or Updates:

If you utilize a shared inbox, you do not need to notify OCA, as changes should be directed to your IT department. However, if the email address changes, please notify Bail@txcourts.gov

If you need to update, change, remove or add designees and do not have a shared inbox, you will need to request OCA to update the information. Please send email to Bail@txcourts.gov with any information necessary to add, remove or update designee(s) contact information.

Cross-County Designee:

Article 17.027(a)(2) Code of Criminal Procedure also indicates mandatory notification when a defendant is out on bail in your county and is arrested in another county for a new felony offense. The DA designee will be forwarded a copy of these notifications from the designee selected by the Local Administrative District Judge. The DA designee would follow the same internal process when receiving these notifications they do with the DA notifications.

Statute Wording:

If a defendant is taken before a magistrate for committing an offense punishable as a felony while released on bail for another offense punishable as a felony and the subsequent offense was committed in a different county than the previous offense, electronic notice of the charge must be given to the individual designated to receive electronic notices for the county in which the previous offense was committed, not later than the next business day after the date the defendant is taken before the magistrate, for purposes of the court specified by Subdivision (1) determining whether any bail conditions were violated or taking any other applicable action such as an action described by Subsection (a-1)

Selection of Designee:

The local administrative district judge for each county shall designate an individual to receive electronic notices under Subsection (a)(2). The county shall ensure that the name and contact information of the individual designated to receive notices under this subsection are included in the public safety report system developed under Article [17.021](#).

Designee Responsibilities:

(d) An individual designated under Subsection (c) who receives an electronic notice under Subsection (a) shall promptly provide the notice to the court specified by Subsection (a)(1), to the district clerk, and to the attorney representing the state and the defendant's attorney, if known, in the pending case for the offense for which the defendant was initially released on bail. A notice provided under this subsection does not constitute an ex parte communication.

Additional Questions?

If you have questions or concerns regarding the designee, please contact your Local Administrative District Judge. Each jurisdiction will need to establish their own procedure when notification is received and how it will be disseminated.