

THE FLORIDA SENATE
2026 SUMMARY OF LEGISLATION PASSED
Committee on Criminal Justice

CS/CS/HB 397 — Violations of Pretrial Release Conditions for Violent Crimes

by Judiciary Committee; Criminal Justice Subcommittee; and Rep. Daley (CS/SB 760 by Criminal Justice Committee and Senator McClain)

This act may be cited as the “Victim Safety in Pretrial Release Act.”

The bill creates a first degree misdemeanor criminal offense when a person willfully violates a no contact order issued as a condition of pretrial release, if the original arrest was for one of the following offenses:

- Murder;
- Manslaughter;
- Assault;
- Aggravated assault;
- Battery;
- Aggravated battery;
- Stalking
- Aggravated stalking;
- Kidnapping;
- False imprisonment;
- Sexual battery;
- Lewd or lascivious offenses committed on or in the presence of persons less than 16;
- Robbery;
- Written or electronic threats to kill or do bodily injury; or
- Any other felony that involves the use or threat of physical force or violence against any individual.

A second or subsequent violation is punishable as a third degree felony. The bill also authorizes a law enforcement officer to arrest a person without a warrant when there is probable cause to believe the person has committed this new crime.

A person who is arrested for this new offense or is on pretrial release for committing one of the above listed offenses and is arrested for a new law violation must be held in custody until his or her first appearance hearing. At such hearing, the court must review the alleged violation and determine whether to order pretrial detention or to grant pretrial release with appropriate conditions. The court must prioritize the safety of the victim and the public, and consider the following factors:

- The nature and severity of the original offense.
- The person’s history of compliance with court orders.
- Any evidence of intent to intimidate, harass, or harm any person.

A law enforcement officer may not be held liable in any civil action for an arrest based on probable cause that the person violated a specified condition of pretrial release.

If approved by the Governor, or allowed to become law without the Governor's signature, these provisions take effect on October 1, 2026.

Vote: Senate 37-0; House 101-8