

CS/HB 397

2026

A bill to be entitled  
An act relating to violations of pretrial release  
conditions for violent crimes; providing a short  
title; creating s. 903.0472, F.S.; providing that a  
person who is on pretrial release for a specified  
violent crime commits a separate criminal offense if  
such person willfully violates certain conditions of  
pretrial release; providing a penalty for a second or  
subsequent violation; specifying procedures at the  
person's first appearance hearing; requiring the court  
to consider certain factors in determining whether to  
order pretrial detention or grant pretrial release;  
providing that a law enforcement officer is not liable  
in a civil action for an arrest of a person based on  
probable cause to believe that the person has violated  
a condition of pretrial release in specified  
circumstances; amending s. 901.15, F.S.; authorizing a  
law enforcement officer to arrest a person without a  
warrant if there is probable cause to believe that the  
person has willfully violated certain conditions of  
pretrial release; providing an effective date.

Be It Enacted by the Legislature of the State of Florida:

**Section 1.** This act may be cited as the "Victim Safety in

26     Pretrial Release Act."

27     **Section 2. Section 903.0472, Florida Statutes, is created**  
28     **to read:**

29     903.0472 Violations of pretrial release for specified  
30     crimes.—

31     (1) A person commits a misdemeanor of the first degree,  
32     punishable as provided in s. 775.082 or s. 775.083, if he or she  
33     willfully violates a condition of pretrial release described in  
34     s. 903.047(1)(b) which a court imposed after he or she was  
35     arrested for committing any of the following offenses:

36     (a) Murder, as defined in s. 782.04;  
37     (b) Manslaughter, as defined in s. 782.07;  
38     (c) Assault, as defined in s. 784.011;  
39     (d) Aggravated assault, as defined in s. 784.021;  
40     (e) Battery, as defined in s. 784.03;  
41     (f) Aggravated battery, as defined in s. 784.045;  
42     (g) Stalking, as defined in s. 784.048(2);  
43     (h) Aggravated stalking, as defined in s. 784.048(3), (4),  
44     (5), or (7);  
45     (i) Kidnapping, as defined in s. 787.01;  
46     (j) False imprisonment, as defined in s. 787.02;  
47     (k) Sexual battery, as defined in s. 794.011;  
48     (l) Lewd or lascivious offenses committed upon or in the  
49     presence of persons less than 16 years of age, as described in  
50     s. 800.04;

51        (m) Robbery, as defined in s. 812.13;  
52        (n) Written or electronic threats to kill or do bodily  
53 injury, as described in s. 836.10; or  
54        (o) Any other felony that involves the use or threat of  
55 physical force or violence against any individual.  
56        (2) A person commits a felony of the third degree,  
57 punishable as provided in s. 775.082, s. 775.083, or s. 775.084,  
58 if he or she commits a second or subsequent violation of  
59 subsection (1).  
60        (3) A person who is arrested for a violation of this  
61 section shall be held in custody until his or her first  
62 appearance hearing, at which time the court shall review the  
63 alleged violation and determine whether to order pretrial  
64 detention or to grant pretrial release with appropriate  
65 conditions. In making such determinations, the court shall  
66 prioritize the safety of the victim and the public and, in  
67 addition to the criteria in s. 903.046(2), shall also consider:  
68        (a) The nature and severity of the underlying offense for  
69 which conditions of pretrial release were imposed.  
70        (b) The person's history of compliance with court orders.  
71        (c) Any evidence of the person's intent to intimidate,  
72 harass, or harm any person.  
73        (4) A law enforcement officer may not be held liable in  
74 any civil action for an arrest of a person based on probable  
75 cause to believe that the person has violated this section.

76       **Section 3. Subsection (17) is added to section 901.15,**  
77 **Florida Statutes, to read:**

78       901.15 When arrest by officer without warrant is lawful.—A  
79 law enforcement officer may arrest a person without a warrant  
80 when:

81       (17) There is probable cause to believe that the person  
82 has committed a violation of s. 903.0472(1), for willfully  
83 violating a condition of pretrial release for a specified crime.

84       **Section 4.** This act shall take effect October 1, 2026.