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CS/CS/HB 397

2026 Legislature

1  
2 An act relating to violations of pretrial release  
3 conditions for violent crimes; providing a short  
4 title; creating s. 903.0472, F.S.; providing that a  
5 person who is on pretrial release for a specified  
6 violent crime commits a separate criminal offense if  
7 such person willfully violates certain conditions of  
8 pretrial release; providing a penalty for a second or  
9 subsequent violation; requiring a person who is  
10 arrested for committing specified violations to be  
11 held in custody until his or her first appearance  
12 hearing; requiring the court to consider certain  
13 factors in determining whether to order pretrial  
14 detention or grant pretrial release; providing that a  
15 law enforcement officer is not liable in a civil  
16 action for an arrest of a person based on probable  
17 cause to believe that the person has violated a  
18 condition of pretrial release in specified  
19 circumstances; amending s. 901.15, F.S.; authorizing a  
20 law enforcement officer to arrest a person without a  
21 warrant if there is probable cause to believe that the  
22 person has willfully violated certain conditions of  
23 pretrial release; providing an effective date.

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

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Section 1. This act may be cited as the "Victim Safety in Pretrial Release Act."

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

903.0472 Violations of pretrial release for specified crimes.—

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

- (a) Murder, as defined in s. 782.04;
- (b) Manslaughter, as defined in s. 782.07;
- (c) Assault, as defined in s. 784.011;
- (d) Aggravated assault, as defined in s. 784.021;
- (e) Battery, as defined in s. 784.03;
- (f) Aggravated battery, as defined in s. 784.045;
- (g) Stalking, as defined in s. 784.048(2);
- (h) Aggravated stalking, as defined in s. 784.048(3), (4), (5), or (7);
- (i) Kidnapping, as defined in s. 787.01;
- (j) False imprisonment, as defined in s. 787.02;
- (k) Sexual battery, as defined in s. 794.011;
- (l) Lewd or lascivious offenses committed upon or in the

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51 presence of persons less than 16 years of age, as described in  
 52 s. 800.04;

53 (m) Robbery, as defined in s. 812.13;

54 (n) Written or electronic threats to kill or do bodily  
 55 injury, as described in s. 836.10; or

56 (o) Any other felony that involves the use or threat of  
 57 physical force or violence against any individual.

58 (2) A person commits a felony of the third degree,  
 59 punishable as provided in s. 775.082, s. 775.083, or s. 775.084,  
 60 if he or she commits a second or subsequent violation of  
 61 subsection (1).

62 (3) A person who is arrested for a violation of this  
 63 section or who is on pretrial release for committing an offense  
 64 specified in subsection (1) and who is arrested for committing a  
 65 new law violation shall be held in custody until his or her  
 66 first appearance hearing, at which time the court shall review  
 67 the alleged violation and determine whether to order pretrial  
 68 detention or to grant pretrial release with appropriate  
 69 conditions. In making such determinations, the court shall  
 70 prioritize the safety of the victim and the public and, in  
 71 addition to the criteria in s. 903.046(2), shall also consider:

72 (a) The nature and severity of the underlying offense for  
 73 which conditions of pretrial release were imposed.

74 (b) The person's history of compliance with court orders.

75 (c) Any evidence of the person's intent to intimidate,

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76 | harass, or harm any person.

77 |       (4) A law enforcement officer may not be held liable in  
 78 | any civil action for an arrest of a person based on probable  
 79 | cause to believe that the person has violated this section.

80 |       Section 3. Subsection (17) is added to section 901.15,  
 81 | Florida Statutes, to read:

82 |       901.15 When arrest by officer without warrant is lawful.—A  
 83 | law enforcement officer may arrest a person without a warrant  
 84 | when:

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

88 |       Section 4. This act shall take effect October 1, 2026.