

By Senator McClain

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1 A bill to be entitled
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 a condition of pretrial
8 release; providing penalties; specifying procedures at
9 the person's first appearance hearing; requiring the
10 court to consider certain factors in determining
11 whether to order pretrial detention or grant pretrial
12 release; providing that a law enforcement officer is
13 not liable in a civil action for an arrest of a person
14 based on probable cause to believe that the person has
15 violated a condition of pretrial release in specified
16 circumstances; amending s. 901.15, F.S.; authorizing a
17 law enforcement officer to arrest without a warrant
18 any person suspected of violating a condition of
19 pretrial release if the original arrest was for a
20 specified violent crime; providing an effective date.

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

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

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

28 903.0472 Violations of pretrial release for specified
29 violent crimes.-

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30 (1) A person who willfully violates a condition of pretrial
31 release provided in s. 903.047 when the original arrest was for
32 any of the following offenses, which offense involved violence
33 or a credible threat of violence and the victim of which such
34 offense was an individual:

35 (a) A forcible felony, as defined in s. 776.08;

36 (b) Murder, as defined in s. 782.04;

37 (c) Manslaughter, as defined in s. 782.07;

38 (d) Assault, as defined in s. 784.011;

39 (e) Aggravated assault, as defined in s. 784.021;

40 (f) Battery, as defined in s. 784.03;

41 (g) Aggravated battery, as defined in s. 784.045;

42 (h) Stalking, as defined in s. 784.048(2);

43 (i) Aggravated stalking, as defined in s. 784.048(3), (4),
44 (5), or (7);

45 (j) Kidnapping, as defined in s. 787.01;

46 (k) False imprisonment, as defined in s. 787.02;

47 (l) Sexual battery, as defined in s. 794.011;

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

52 (o) Written or electronic threats to kill or do bodily
53 injury, as described in s. 836.10; or

54 (p) Any criminal offense resulting in physical injury or
55 death,

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57 commits a misdemeanor of the first degree, punishable as
58 provided in s. 775.082 or s. 775.083.

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59 (2) A person who commits a second or subsequent violation
60 of subsection (1) which is against the victim of the original
61 offense or which constitutes a new act of violence or threat of
62 violence commits a felony of the third degree, punishable as
63 provided in s. 775.082, s. 775.083, or s. 775.084.

64 (3) A person who is arrested for a violation of this
65 section shall be held in custody until his or her first
66 appearance hearing, at which time the court shall review the
67 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 shall
71 also consider:

72 (a) The nature and severity of the original offense.
73 (b) The person's history of compliance with court orders.
74 (c) Any evidence of intent to intimidate, harass, or harm
75 any person.

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

79 Section 3. Subsection (13) of section 901.15, Florida
80 Statutes, is amended to read:

81 901.15 When arrest by officer without warrant is lawful.—A
82 law enforcement officer may arrest a person without a warrant
83 when:

84 (13) There is probable cause to believe that the person has
85 committed an act that violates a condition of pretrial release
86 provided in s. 903.047 when the original arrest was for an act
87 of domestic violence as defined in s. 741.28, ~~or when the~~

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88 ~~original arrest was for~~ an act of dating violence as defined in
89 s. 784.046, or a violent crime specified in s. 903.0472(1).

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