

**By** the Committee on Criminal Justice; and Senator McClain

591-02408-26

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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 criminal penalties; providing criminal penalties for a second or subsequent violation; requiring a person who is arrested for committing specified violations to be held in custody until his or her 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 Pretrial Release Act."

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

32       903.0472 Violations of pretrial release for specified  
33 crimes.-

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

39       (a) Murder, as defined in s. 782.04;  
40       (b) Manslaughter, as defined in s. 782.07;  
41       (c) Assault, as defined in s. 784.011;  
42       (d) Aggravated assault, as defined in s. 784.021;  
43       (e) Battery, as defined in s. 784.03;  
44       (f) Aggravated battery, as defined in s. 784.045;  
45       (g) Stalking, as defined in s. 784.048(2);  
46       (h) Aggravated stalking, as defined in s. 784.048(3), (4),  
47 (5), or (7);

48       (i) Kidnapping, as defined in s. 787.01;  
49       (j) False imprisonment, as defined in s. 787.02;  
50       (k) Sexual battery, as defined in s. 794.011;  
51       (l) Lewd or lascivious offenses committed upon or in the  
52 presence of persons less than 16 years of age, as described in  
53 s. 800.04;

54       (m) Robbery, as defined in s. 812.13;  
55       (n) Written or electronic threats to kill or do bodily  
56 injury, as described in s. 836.10; or  
57       (o) Any other felony that involves the use or threat of  
58 physical force or violence against any individual.

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

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

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

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

76       (c) Any evidence of the person's intent to intimidate,  
77 harass, or harm any person.

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

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

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

86       (17) There is probable cause to believe that the person has  
87 committed a violation of s. 903.0472(1), for willfully violating

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88       a condition of pretrial release for a specified crime.

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