

# FLORIDA SHERIFFS ASSOCIATION



## Victim Safety in Pretrial Release Act

Under current law, there is no arrestable offense when a defendant on pretrial release intentionally violates their release conditions unless the original charge involves domestic violence or dating violence. As a result, in cases not involving domestic or dating violence, even if a defendant violates a no-contact order, law enforcement cannot take immediate action. In these cases, officers can only write a report to the prosecutor or judge requesting bond revocation, which can result in dangerous delays.

This legislation closes that dangerous loophole, allowing immediate enforcement of pretrial conditions for all victims, regardless of their relationship to the accused. Specifically, this legislation will create a new Florida statute with similar protections to those currently under s. 741.29, F.S. for domestic violence cases, ensuring consistent enforcement of pretrial release conditions across all violent crimes. Under this legislation, a person who intentionally violates a condition of pretrial release when the original arrest was for a specified violent crime, such as assault, manslaughter, or kidnapping commits a first-degree misdemeanor. Additionally, the legislation will create a new misdemeanor exception for such violations, allowing law enforcement to arrest such a person without a warrant so long as the officer has probable cause to believe the defendant violated his or her conditions of pretrial release. This mirrors existing law for domestic violence cases.

Under this legislation, upon arrest for a violation, the defendant must be held in custody until their first appearance, at which time the court shall review the violation and determine appropriate conditions for continued detention or release, prioritizing the safety of the victim and the public. If the violation involves a violation or offense against the same victim, or if the violation itself constitutes a new act of violence or threat of violence, the offense shall be elevated to a third-degree felony.

This legislation gives law enforcement the tools needed to protect victims of violent crimes when their accused attackers are released on bond. By requiring custody until first appearance and mandating judicial review, it prioritizes victim safety regardless of the victim's relationship to the defendant.

**HB 397 by Representative Daley and SB 760 by Senator McClain**



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