

HB 717

2015

1 A bill to be entitled
 2 An act relating to no contact orders; amending s.
 3 903.047, F.S.; providing for the effect and
 4 enforceability of orders of no contact as a part of
 5 pretrial release; specifying acts prohibited by a no
 6 contact order; reenacting ss. 741.29(6), 784.046(13)
 7 and (15), and 901.15(13), F.S., relating to domestic
 8 violence, repeat, sexual, or dating violence, and
 9 arrest without a warrant, respectively, to incorporate
 10 the amendments made to s. 903.047, F.S., in references
 11 thereto; providing an effective date.

12
 13 Be It Enacted by the Legislature of the State of Florida:
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15 Section 1. Section 903.047, Florida Statutes, is amended
 16 to read:

17 903.047 Conditions of pretrial release.—

18 (1) As a condition of pretrial release, whether such
 19 release is by surety bail bond or recognizance bond or in some
 20 other form, the defendant must ~~shall~~:

- 21 (a) Refrain from criminal activity of any kind.
- 22 (b) Refrain from any contact of any type with the victim,
 23 except through pretrial discovery pursuant to the Florida Rules
 24 of Criminal Procedure. An order of no contact is effective
 25 immediately and enforceable for the duration of the pretrial
 26 release or until it is modified by the court. As used in this

CODING: Words ~~stricken~~ are deletions; words underlined are additions.

HB 717

2015

27 section, unless otherwise specified by the court, the term "no
28 contact" includes the following prohibited acts:

29 1. Communicating orally or in any written form, either in
30 person, telephonically, electronically, or in any other manner,
31 either directly or indirectly through a third person, with the
32 victim or any other person named in the order.

33 2. Having physical or violent contact with the victim or
34 other named person or his or her property.

35 3. Being within 500 feet of the victim's or other named
36 person's residence, even if the defendant and the victim or
37 other named person share the residence.

38 4. Being within 500 feet of the victim's or other named
39 person's vehicle, place of employment, or a specified place
40 frequented regularly by such person.

41 (c) Comply with all conditions of pretrial release.

42 (2) Upon motion by the defendant when bail is set, or upon
43 later motion properly noticed pursuant to law, the court may
44 modify the condition required by paragraph (1)(b) if good cause
45 is shown and the interests of justice so require. The victim
46 shall be permitted to be heard at any proceeding in which such
47 modification is considered, and the state attorney shall notify
48 the victim of the provisions of this subsection and of the
49 pendency of any such proceeding.

50 Section 2. For the purpose of incorporating the amendment
51 made by this act to section 903.047, Florida Statutes, in a
52 reference thereto, subsection (6) of section 741.29, Florida

HB 717

2015

53 Statutes, is reenacted to read:

54 741.29 Domestic violence; investigation of incidents;
55 notice to victims of legal rights and remedies; reporting.—

56 (6) A person who willfully violates a condition of
57 pretrial release provided in s. 903.047, when the original
58 arrest was for an act of domestic violence as defined in s.
59 741.28, commits a misdemeanor of the first degree, punishable as
60 provided in s. 775.082 or s. 775.083, and shall be held in
61 custody until his or her first appearance.

62 Section 3. For the purpose of incorporating the amendment
63 made by this act to section 903.047, Florida Statutes, in a
64 reference thereto, subsections (13) and (15) of section 784.046,
65 Florida Statutes, are reenacted to read:

66 784.046 Action by victim of repeat violence, sexual
67 violence, or dating violence for protective injunction; dating
68 violence investigations, notice to victims, and reporting;
69 pretrial release violations; public records exemption.—

70 (13) Whenever a law enforcement officer determines upon
71 probable cause that an act of dating violence has been committed
72 within the jurisdiction, or that a person has violated a
73 condition of pretrial release as provided in s. 903.047 and the
74 original arrest was for an act of dating violence, the officer
75 may arrest the person or persons suspected of its commission and
76 charge such person or persons with the appropriate crime. The
77 decision to arrest and charge shall not require consent of the
78 victim or consideration of the relationship of the parties.

HB 717

2015

79 (15) A person who willfully violates a condition of
80 pretrial release provided in s. 903.047, when the original
81 arrest was for an act of dating violence as defined in this
82 section, commits a misdemeanor of the first degree, punishable
83 as provided in s. 775.082 or s. 775.083, and shall be held in
84 custody until his or her first appearance.

85 Section 4. For the purpose of incorporating the amendment
86 made by this act to section 903.047, Florida Statutes, in a
87 reference thereto, subsection (13) of section 901.15, Florida
88 Statutes, is reenacted to read:

89 901.15 When arrest by officer without warrant is lawful.—A
90 law enforcement officer may arrest a person without a warrant
91 when:

92 (13) There is probable cause to believe that the person
93 has committed an act that violates a condition of pretrial
94 release provided in s. 903.047 when the original arrest was for
95 an act of domestic violence as defined in s. 741.28, or when the
96 original arrest was for an act of dating violence as defined in
97 s. 784.046.

98 Section 5. This act shall take effect October 1, 2015.