

IN THE SUPREME COURT OF TENNESSEE
AT NASHVILLE

FILED
01/14/2026
Clerk of the
Appellate Courts

**IN RE: PROPOSED AMENDMENTS TO TENNESSEE RULES OF
CRIMINAL PROCEDURE**

No. ADM2025-01108

ORDER

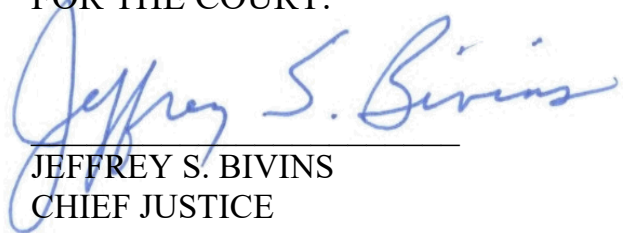
The Court adopts the attached amendments effective July 1, 2026, subject to approval by resolution of the General Assembly. The rule amended is as follows:

RULE 41 SEARCH AND SEIZURE

The text of the amendment is set out in the attached Appendix.

IT IS SO ORDERED.

FOR THE COURT:



JEFFREY S. BIVINS
CHIEF JUSTICE

APPENDIX

***AMENDMENTS TO THE
RULES OF CRIMINAL PROCEDURE***

**[Deleted text is indicated by overstriking,
and new text is indicated by underlining.]**

TENNESSEE RULES OF CRIMINAL PROCEDURE

RULE 41

SEARCH AND SEIZURE

[Amend Rule 41(g) as indicated below:]

Rule 41: Search and Seizure. -

(g) Motion for Return or Suppression of Property.

(1) A person aggrieved by an unlawful or invalid search or seizure may move the court pursuant to Rule 12(b) to suppress any evidence obtained in the unlawful search or seizure. ~~If property was unlawfully seized, the aggrieved person may move for the return of the property.~~ The motion to suppress ~~and/or the motion to return~~ property unlawfully seized may be granted, under applicable substantive law ~~and except as to the return of contraband,~~ if the evidence in support of the motion shows that:

~~(1A)~~ (1A) the search or seizure was made illegally without a search warrant or illegally with an invalid search warrant, or in any other way in violation of the constitutional protection against unreasonable searches and seizures;

~~(2B)~~ (2B) a search warrant was relied on, but the search warrant or supporting affidavit is legally insufficient on its face and hence invalid;

(~~3~~C) the search warrant relied on was issued on evidence consisting in material part of willful or reckless misrepresentations of the applicant to the issuing magistrate, resulting in a fraudulent procurement;

(~~4~~D) the search warrant does not describe the property seized, and the seized property is not of such a character as to be subject to lawful seizure without a warrant;

(~~5~~E) the magistrate did not:

(~~A~~i) make an original and two copies of the search warrant; or

(~~B~~ii) did not endorse on the warrant the date and time of issuance and the name of the officer to whom the warrant was issued; or

(~~6~~F) the serving officer—where possible—did not leave a copy of the warrant with the person or persons on whom the search warrant was served.

(2) Any person aggrieved by an unlawful or invalid search or seizure or by the deprivation of property may move the court for the return of the property. The motion must be filed in the Circuit Court or Criminal Court in the judicial district where the search warrant was issued, where the property was seized, or where a related criminal case was or is pending. If the motion is made by a party against whom no criminal charges have been brought or after the conclusion of a criminal case, a motion under this part should be filed as a civil complaint in the Chancery Court where the property is located. Upon receipt of the motion, the court must notify the governmental agency in possession of the property and promptly receive evidence on any factual issue necessary to decide the motion. A motion filed

pursuant to this part may be granted, under applicable substantive law and except as to the return of contraband, if evidence in support of the motion satisfies any of the subsections above in (g)(1)(A)-(F) or is otherwise in the interests of justice. If the court grants the motion, the court must order the return of the property to the movant, but it may impose reasonable conditions to protect access to the property and its use in later proceedings.

Advisory Commission Comment [2026]

The amendment to Rule 41(g) provides a framework for movants to seek the return of seized property. Much of the language is drawn from the corresponding federal rule.