

HOUSE BILL No. 1350

DIGEST OF INTRODUCED BILL

Citations Affected: IC 35-37-4-16; IC 35-38-4-2.

Synopsis: Exclusionary rule. Prohibits the exclusion of otherwise admissible evidence based on a violation of the Constitution of the State of Indiana, the Constitution of the United States, or the laws of the United States or Indiana unless certain conditions apply. Provides that an appeal from a court's order excluding evidence may be taken directly to the supreme court.

Effective: July 1, 2026.

Shonkwiler

January 6, 2026, read first time and referred to Committee on Courts and Criminal Code.



Introduced

Second Regular Session of the 124th General Assembly (2026)

PRINTING CODE. Amendments: Whenever an existing statute (or a section of the Indiana Constitution) is being amended, the text of the existing provision will appear in this style type, additions will appear in **this style type**, and deletions will appear in ~~this style type~~.

Additions: Whenever a new statutory provision is being enacted (or a new constitutional provision adopted), the text of the new provision will appear in **this style type**. Also, the word **NEW** will appear in that style type in the introductory clause of each SECTION that adds a new provision to the Indiana Code or the Indiana Constitution.

Conflict reconciliation: Text in a statute in *this style type* or ~~this style type~~ reconciles conflicts between statutes enacted by the 2025 Regular Session of the General Assembly.

HOUSE BILL No. 1350

A BILL FOR AN ACT to amend the Indiana Code concerning criminal law and procedure.

Be it enacted by the General Assembly of the State of Indiana:

1 SECTION 1. IC 35-37-4-16 IS ADDED TO THE INDIANA CODE
2 AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY
3 1, 2026]: **Sec. 16. (a) Notwithstanding any other law, evidence that**
4 **is otherwise admissible may not be excluded as evidence against the**
5 **accused on the grounds that the evidence was obtained in violation**
6 **of the Constitution of the United States, the Constitution of the**
7 **State of Indiana, or the laws of the United States or of Indiana,**
8 **except as provided by subsection (b).**
9 **(b) Otherwise admissible evidence may be excluded as evidence**
10 **against the accused if:**
11 **(1) the evidence was obtained by:**
12 **(A) deliberate, reckless, or grossly negligent conduct; or**
13 **(B) recurring or systemic negligence;**
14 **that violated the Fourth Amendment to the Constitution of the**
15 **United States, as interpreted by the United States Supreme**
16 **Court, and made applicable to the states through the United**
17 **States Supreme Court's interpretations of the Fourteenth**



**Amendment to the Constitution of the United States; and
(2) a refusal to exclude the evidence would contradict a clearly
established holding of the United States Supreme Court.**

(c) An Indiana court may not recognize or enforce an exclusionary rule under Indiana law that extends beyond the requirements of the federal exclusionary rule, as defined by the United States Supreme Court.

(d) An order granting a motion to suppress evidence may be immediately appealed to the supreme court under IC 35-38-4-2.

(e) Nothing in this section affects the right of a person to bring a civil action against a law enforcement officer or governmental entity to recover damages for the violation of the person's civil rights by an unlawful search and seizure.

SECTION 2. IC 35-38-4-2, AS AMENDED BY P.L.112-2021, SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2026]: Sec. 2. (a) Appeals to the supreme court or to the court of appeals, as provided by court rules **or Indiana law**, may be taken by the state as of right in the following cases:

(1) From an order granting a motion to dismiss one (1) or more counts of an indictment or information.

(2) From an order granting a motion to discharge a defendant before trial for any reason, including delay commencing trial or after the defendant's plea of former jeopardy.

(3) From an order granting a motion to correct errors.

(4) Upon a question reserved by the state, if the defendant is acquitted.

(5) From an order granting a motion to suppress evidence, if the ultimate effect of the order is to preclude further prosecution of one (1) or more counts of an information or indictment.

(b) The state may appeal an interlocutory order to the supreme court or to the court of appeals, as provided by court rules, if the trial court certifies the appeal and the court of appeal finds that:

(1) the state will suffer substantial expense, damage, or injury if the order is erroneous and the determination thereof is withheld until after judgment;

until after judgment;

(2) the order involves a substantial question of law, the early determination of which will promote a more orderly disposition of the case; or

of the case; or
(3) the remedy by appeal after judgment is otherwise inadequate.

(c) An interlocutory order that may be appealed by the state under subsection (b) is included but is not limited to:

(1) any order granting a motion to suppress evidence that is



1 substantially important to the prosecution and does not have the
2 ultimate effect of precluding further prosecution; and
3 (2) any discovery order claimed to violate a court rule, statute, or
4 case law.

5 **(d) Notwithstanding any other law, when the state appeals from**
6 **an order granting a motion to exclude evidence under subsection**
7 **(a)(5), the appeal shall be taken directly to the supreme court. The**
8 **supreme court shall:**

9 (1) stay proceedings in the trial court until the appeal is fully
10 resolved; and
11 (2) expedite consideration of the appeal and resolve the appeal
12 as quickly as possible.

13 If the state acknowledges that a clearly established holding of the
14 United States Supreme Court requires the exclusion of the
15 evidence, and that the state is appealing to seek reversal or
16 reconsideration of that United States Supreme Court decision on
17 writ of certiorari, the supreme court shall summarily affirm the
18 order granting the motion to exclude evidence, without requesting
19 merits briefing or holding oral argument. However, proceedings in
20 the trial court remain stayed until the expiration of the period
21 described in subsection (e).

22 **(e) The state may petition for a writ of certiorari from any**
23 **decision of the supreme court affirming the exclusion of the**
24 **disputed evidence. If the state petitions for certiorari, the stay of**
25 **proceedings required by subsection (d)(1) remains in effect until**
26 **the petition is finally disposed of.**

