

On January 23, 2019, the Nebraska Supreme Court adopted the following rule amendments to Neb. Ct. R. § 6-1472, regarding probable cause affidavits:

CHAPTER 6: TRIAL COURTS

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Article 14: Uniform County Court Rules of Practice and Procedure.

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§ 6-1472. Probable cause affidavits, orders for arrest without warrant, and orders for identification procedures under Neb. Rev. Stat. §§ 29-3301 through 29-3307.

(A) Sworn testimony offered in support of judicial determinations of probable cause for persons arrested without warrant shall be in an affidavit or, with the consent of the court, submitted verbally and recorded. Sworn testimony offered in support of orders for identification procedures shall be in affidavit form pursuant to Neb. Rev. Stat. § 29-3303.

(1) Sworn testimony submitted in an affidavit shall be filed with the court and shall be public record upon the filing of a criminal complaint, unless sealed by the judge upon request of either party or on the court's own motion, citing specific good cause for sealing the information. A copy of the probable cause affidavit or record of verbal sworn testimony shall be provided to appointed or retained legal counsel for the defendant upon request.

(2) Sworn testimony submitted verbally shall be recorded and the recordings maintained pursuant to Records Retention Schedule 18 for County Courts.

(a) The recording or a transcript of the recording shall be public record upon filing of a criminal complaint unless ordered sealed by the judge citing specific cause for protecting the information.

(b) Copies of the recording or a transcript of the recording shall be available pursuant to § 6-1405 unless the record is ordered sealed.

(B) Judge's orders under this rule shall be part of the court file and shall be public record upon the issuance of the order, unless sealed by the judge upon request of either party or on the court's own motion, citing specific cause for sealing the information.

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