

NOTICE OF COMMENT PERIOD

The Uniform Court Rules Subcommittee of the Bench Media Committee submitted to the Nebraska Supreme Court a proposed new rule to the Uniform County Court Rules of Practice and Procedure, Neb. Ct. R. § 6-1472, entitled “Probable cause affidavits and orders for arrest without warrant.” The Nebraska Supreme Court determined the proposed new rule should be published for a public comment period.

The Nebraska Supreme Court invites interested persons to comment on the proposed rule. Anyone desiring to comment on the proposed rule should do so in writing to the office of the Clerk of the Supreme Court and Court of Appeals, P.O. Box 98910, Lincoln, Nebraska 68509-8910, or via e-mail to [wendy.wussow@nebraska.gov](mailto:wendy.wussow@nebraska.gov), no later than August 13, 2018.

The full text of the proposed rules and amendments is available below, or a hard copy may be obtained from the office of the Clerk of the Supreme Court and Court of Appeals upon request.

**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 and orders for arrest without warrant.**

(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.

(1) Sworn testimony submitted in an affidavit shall be filed with the court and shall be public record upon the judge’s finding of probable cause, unless sealed by the judge citing specific cause for protecting the information.

(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 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 determining probable cause shall be part of the court file and shall be public record upon issuance of the order, unless sealed by the judge citing specific cause for protecting the information.

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