

SECOND REGULAR SESSION

# HOUSE BILL NO. 3289

103RD GENERAL ASSEMBLY

---

INTRODUCED BY REPRESENTATIVE PARKER.

7148H.02I

JOSEPH ENGLER, Chief Clerk

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## AN ACT

To repeal sections 476.001, 476.015, 476.050, 476.055, 476.056, 476.1000, 476.1025, 478.250, 483.082, 483.390, 509.520, 510.030, and 561.031, RSMo, and section 483.140 as enacted by house bill no. 1231, ninety-seventh general assembly, second regular session, and section 483.140 as enacted by house bill nos. 1665 & 1335, ninety-seventh general assembly, second regular session, and to enact in lieu thereof eleven new sections relating to court operations.

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*Be it enacted by the General Assembly of the state of Missouri, as follows:*

Section A. Sections 476.001, 476.015, 476.050, 476.055, 476.056, 476.1000, 2 476.1025, 478.250, 483.082, 483.390, 509.520, 510.030, and 561.031, RSMo, and section 3 483.140 as enacted by house bill no. 1231, ninety-seventh general assembly, second regular 4 session, and section 483.140 as enacted by house bill nos. 1665 & 1335, ninety-seventh 5 general assembly, second regular session, are repealed and eleven new sections enacted in 6 lieu thereof, to be known as sections 476.050, 476.055, 476.056, 476.1025, 478.250, 483.005, 7 483.082, 483.140, 483.390, 509.520, and 510.030, to read as follows:

476.050. All writs, process, proceedings and records in any court, and in all inferior 2 tribunals established by law, shall be in the English language, except that the proper and 3 known names of process and technical words may be expressed in the language heretofore 4 and now commonly used, and shall be made in a fair, legible character, in words at length, 5 and not abbreviated; but such abbreviations as are now commonly used in the English 6 language may be used, and numbers may be expressed by Arabic figures or Roman numerals, 7 in the customary way. Notwithstanding [~~the foregoing~~] **any other provision of law to the** 8 **contrary**, such writs, processes, proceedings and records may be filed, submitted, stored, and

EXPLANATION — Matter enclosed in bold-faced brackets [~~thus~~] in the above bill is not enacted and is intended to be omitted from the law. Matter in **bold-face** type in the above bill is proposed language.

9 maintained in an electronic format or otherwise in the manner provided by supreme court  
10 rule.

476.055. 1. There is hereby established in the state treasury the "Statewide Court  
2 Automation Fund". All moneys collected pursuant to section 488.027, as well as gifts,  
3 contributions, devises, bequests, and grants received relating to **statewide court** automation  
4 ~~[of judicial record keeping]~~, and moneys received by the ~~[judicial system]~~ **judiciary** for the  
5 dissemination of information ~~[and]~~, sales of publications, **or other provision of electronic**  
6 **services** developed relating to **statewide court** automation ~~[of judicial record keeping]~~, **as**  
7 **authorized by the court automation committee**, shall be credited to the fund. Moneys  
8 credited to this fund may only be used for the purposes set forth in this section and as  
9 appropriated by the general assembly. Any unexpended balance remaining in the statewide  
10 court automation fund at the end of each biennium shall not be subject to the provisions of  
11 section 33.080 requiring the transfer of such unexpended balance to general revenue.

12 2. The statewide court automation fund shall be administered by a court automation  
13 committee consisting of the following~~[- the chief justice of the supreme court,]~~ **members:**

14 (1) A judge from the court of appeals, four circuit judges, four associate circuit  
15 judges, four employees of ~~[the circuit court,]~~ **circuit courts**, and two employees who work  
16 full time in a municipal division of a circuit court, ~~[the commissioner of administration,]~~ **each**  
17 **of whom shall be appointed by the chief justice of the Missouri supreme court;**

18 (2) **Two members of the Missouri Bar, appointed by the governors of the**  
19 **Missouri Bar;**

20 (3) Two members of the house of representatives appointed by the speaker of the  
21 house, **with one member being from the majority party and one member being from the**  
22 **minority party;**

23 (4) Two members of the senate appointed by the president pro ~~[tem]~~ **tempore** of the  
24 senate, **with one member being from the majority party and one member being from the**  
25 **minority party; and**

26 (5) **Four additional ex officio members as follows:**

27 (a) **The chief justice of the Missouri supreme court, or the chief justice's**  
28 **designee;**

29 (b) **The commissioner of administration, or the commissioner's designee;**

30 (c) **The executive director of the Missouri ~~[Office of Prosecution Services,]~~ office of**  
31 **prosecution services, or the executive director's designee; and**

32 (d) **The director of the state public defender system, ~~[and two members of the~~**  
33 **Missouri Bar. ~~The judge members and employee members shall be appointed by the chief~~**  
34 **justice. ~~The commissioner of administration shall serve ex officio. The members of the~~**  
35 **Missouri Bar shall be appointed by the board of governors of the Missouri Bar. Any member**

36 ~~of the committee may designate another person to serve on the committee in place of the~~  
37 ~~committee member] or the director's designee.~~

38

39 **The appointed members of the committee shall serve for terms of two years and until**  
40 **their successors are appointed and qualified. The members of the committee shall be**  
41 **reimbursed from the statewide court automation fund for their actual expenses in**  
42 **performing their official duties on the committee.**

43 3. The committee shall develop and ~~[implement a plan for]~~ **maintain** a statewide  
44 court automation system. The committee shall have the authority to hire consultants, review  
45 systems in other jurisdictions, and purchase goods and services to administer the provisions of  
46 this section. The committee may implement ~~[one or more]~~ pilot projects in the state ~~[for the~~  
47 ~~purposes of determining the feasibility of developing and implementing such plan. The~~  
48 ~~members of the committee shall be reimbursed from the court automation fund for their actual~~  
49 ~~expenses in performing their official duties on the committee] at any time.~~

50 4. Any purchase of computer software or computer hardware that exceeds five  
51 thousand dollars shall be made pursuant to the requirements of the office of administration for  
52 lowest and best bid. Such bids shall be subject to acceptance by the office of administration.  
53 The court automation committee shall determine the specifications for such bids.

54 5. The court automation committee shall not require any circuit court to change any  
55 operating system in such court, unless the committee provides all ~~[necessary]~~ personnel,  
56 funds, and equipment necessary to effectuate the required changes. No judicial circuit or  
57 county may be reimbursed for any costs incurred pursuant to this subsection unless such  
58 judicial circuit or county has the approval of the court automation committee prior to  
59 incurring the specific cost.

60 6. ~~[Any]~~ **The** court automation system, including any pilot project, shall be  
61 ~~[implemented,]~~ operated and maintained in accordance with strict standards for the security  
62 and privacy of confidential judicial records, **as provided by supreme court rule.** Any  
63 person who knowingly releases information from a confidential judicial record is guilty of a  
64 class B misdemeanor. Any person who, knowing that a judicial record is confidential, uses  
65 information from such confidential record for financial gain is guilty of a class E felony.

66 7. ~~[On the first day of February, May, August and November]~~ **No later than the**  
67 **fifteenth of January** of each year, the court automation committee shall **electronically** file a  
68 report on the progress of the statewide **court** automation system with **the chairs of the**  
69 **following committees:**

- 70 (1) The ~~[chair of the]~~ house budget committee, **or its successor committee;**  
71 (2) The ~~[chair of the]~~ senate appropriations committee, **or its successor committee;**  
72 (3) The ~~[chair of the]~~ house judiciary committee, **or its successor committee;** and

73 (4) The ~~[chair of the]~~ senate judiciary committee, **or its successor committee.**

74 ~~[8. The court automation committee established pursuant to this section may continue~~  
75 ~~to function until completion of its duties prescribed by this section.]~~

476.056. ~~[1.]~~ Any city, county, village, or other municipality may provide for **the**  
2 automation of its municipal court ~~[pursuant to]~~ **as part of the statewide court automation**  
3 **system established under** subsection 3 of section 476.055, in the manner provided in this  
4 section. In order to make such provisions, such municipality must:

5 (1) Adopt an ordinance imposing the surcharge in the amount allowed, and payable in  
6 the manner provided, by section ~~[476.053]~~ **488.027**, and sections 488.010 to 488.020;

7 (2) Enter into an agreement with the state courts administrator for automation of the  
8 municipality's court. Such agreement may provide for continuation of the surcharge for a  
9 minimum period of time, payable to the fund established by section 476.055~~[- or a special~~  
10 ~~fund established in the state treasury for such purpose upon expiration of section 476.055.];~~  
11 for payment of a guaranteed minimum annual amount in the event that payment of such  
12 surcharges shall not offset the cost of the automation of the municipality's court; and such  
13 other terms as may be agreed on between the municipality and the state courts administrator.

14 ~~[2. Notwithstanding the provisions of section 476.053, the payment of any surcharge~~  
15 ~~provided by this section may continue for a period in excess of that allowed by section~~  
16 ~~476.053 for payment of surcharges in the circuit courts. The provisions of section 33.080~~  
17 ~~shall not apply to any special fund established pursuant to this section.]~~

476.1025. A parent, spouse, child, or personal representative of a person who was  
2 convicted of a misdemeanor offense may file a motion with the court in which the person was  
3 convicted to have the record of such offense made confidential in ~~[any automated case~~  
4 ~~management]~~ **the statewide court automation** system if such person has been deceased for  
5 six months or more. Upon such motion accompanied by a copy of the death certificate of the  
6 deceased person, the court shall make the case confidential. Prior to making the case  
7 confidential, the court shall determine whether any person would be unfairly prejudiced by  
8 making such record confidential in any automated case management system.

478.250. 1. Until otherwise provided by court rule authorized by the constitution or  
2 by court order authorized by law, cases shall continue to be filed in the same places and the  
3 same filing, docketing and assignment of case procedures shall apply as were in effect on  
4 January 1, 1979, with respect to the same categories of cases.

5 2. In those counties with centralized filing, if a case is within those categories of cases  
6 enumerated in subdivisions (1) and (2) of subsection 1 of section 517.011, the plaintiff when  
7 filing the case may designate at the time of filing that the case shall be heard and determined  
8 under the civil practice and procedure applicable before circuit judges, and in such event the  
9 case shall be heard and determined by a circuit judge unless an associate circuit judge shall be

10 assigned or transferred to hear and determine the case ~~[pursuant to]~~ **under** section 478.240 or  
11 478.245 or Section 6 of Article V of the Constitution. If no such designation is made, the case  
12 shall be heard and determined under chapter 517.

13 3. In the assignment of cases to associate circuit judges in circuit courts with more  
14 than one resident associate circuit judge, insofar as is reasonably possible and consistent with  
15 the proper administration of justice, assignments made either pursuant to local circuit court  
16 rule or by the presiding judge:

17 (1) Shall not effect an assignment of the cause from the courthouse where the case is  
18 filed to another courthouse in the county for hearing without the consent of the parties shown  
19 except for good cause shown; and

20 (2) Shall be made in such manner as will assure that when a litigant or counsel  
21 simultaneously file a number of cases of a similar character to be heard before an associate  
22 circuit judge, such cases will be assigned as a group to a single associate circuit judge or in  
23 such other manner as will reasonably assure that they will be processed and heard without  
24 setting or return date conflicts which would require counsel to appear on multiple occasions  
25 or at conflicting times.

26 4. The provisions of subsection 3 of this section shall apply as to assignments made  
27 where a centralized docketing procedure has been adopted by local court order under the  
28 provisions of subsection 4 of section 478.245.

**483.005. As used in this chapter and section 476.055, the following terms mean:**

2 (1) **"Case record", all records in a case file relating to a specific case or**  
3 **controversy, as defined in supreme court rule;**

4 (2) **"Confidential information":**

5 (a) **The full date of birth of any party or minor child;**

6 (b) **The full Social Security number of any party or any minor child;**

7 (c) **The driver's license number, state identification number, taxpayer**  
8 **identification number, and passport number of any party;**

9 (d) **The full financial institution account number, credit or debit card number,**  
10 **personal identification number, or password used to secure any such accounts or cards,**  
11 **of any party;**

12 (e) **The name and address of any individual who is known to be a minor child**  
13 **and, if applicable, any next friend of the minor child; or**

14 (f) **Any other information sealed, expunged, or closed under statute, supreme**  
15 **court rule, or order of a court of record;**

16 (3) **"Confidential record" or "confidential judicial record", as such term is**  
17 **defined in Missouri supreme court rules;**

18 (4) **"Minor child", a person under eighteen years of age, except for:**

- 19           **(a) An emancipated minor as defined in section 302.178;**
- 20           **(b) A juvenile who has been certified to stand trial as an adult for offenses under**
- 21 **section 211.071; or**
- 22           **(c) A juvenile fifteen and one-half years of age or older who is alleged to have**
- 23 **violated a state or municipal traffic ordinance or regulation.**

483.082. 1. Notwithstanding ~~the provision of~~ any other ~~statute~~ **provision of law** to the contrary, it shall be the duty of the clerks of all courts to keep such records of the courts and in such a manner as may be directed by rule of the supreme court so that they shall accurately record all essential matters relating to the causes and matters within the jurisdiction of the court which are and have been pending before the court, including pleadings, motions and related documents, transactions, orders and judgments or decrees related thereto showing the course and disposition of causes and matters, the taxing and collection of court costs, and the setting of trial calendars or dockets of pending cases.

2. Recognizing that improved methods and systems of keeping records and data have been and will continue to be developed from time to time and that all court clerks should be empowered to utilize improved methods, systems, and techniques of keeping records of essential matters, and notwithstanding ~~the provisions of any other statute~~ **any other provision of law** to the contrary, the methods, form, and systems of keeping all such files and records shall be as directed and approved by rule of the supreme court.

**3. Subject to the provisions of the supreme court rules and the supervisory jurisdiction of the supreme court, confidential information and confidential records in a case record shall be maintained so as to be inaccessible to the general public under supreme court rules governing access to records of the judicial branch of Missouri.**

~~[483.140. It shall be the special duty of every judge of a court of record to examine into and superintend the manner in which the rolls and records of the court are made up and kept; to prescribe orders that will procure uniformity, regularity and accuracy in the transaction of the business of the court; to require that the records and files be properly maintained and entries be made at the proper times as required by law or supreme court rule, and that the duties of the clerks be performed according to law and supreme court rule; and if any clerk fail to comply with the law, the court shall proceed against him as for a misdemeanor. The provisions of this section shall not be construed to permit the adoption of any local court rule that grants a judge the discretion to remove or direct the removal of any pleading, file, or communication from a court file or record without the agreement of all parties.]~~

483.140. It shall be the special duty of every judge of a court of record to examine into and superintend the manner in which the rolls and records of the court are made up and kept; to prescribe orders that will procure uniformity, regularity and accuracy in the transaction of the business of the court; to require that the records and files be properly

5 maintained and entries be made at the proper times as required by law or supreme court rule,  
 6 and that the duties of the clerks be performed according to law and supreme court rule; and if  
 7 any clerk fail to comply with the law, the court shall proceed against ~~[him]~~ **the clerk** as for a  
 8 misdemeanor. The provisions of this section shall not be construed to permit the adoption of  
 9 any local court rule that grants a judge the discretion to remove or direct the removal of any  
 10 pleading, file, or communication from a court file or record without notification to the parties  
 11 and ~~[providing the parties]~~ an opportunity **for the parties** to respond.

483.390. 1. In all civil actions any party interested therein may, upon payment of the  
 2 fees, have any or all of the following ~~[papers recorded]~~ **documents filed** in the office of the  
 3 clerk of the circuit court in the county in which such action is brought: Petitions, summons,  
 4 affidavit for publication of notice to nonresident or unknown defendants, sheriff's, or other  
 5 officer's, return of service to summons, proof of publication of notices to nonresident or  
 6 unknown defendants, answers, motions, notices of sale of property involved and proof of its  
 7 publication, return of sale by any sheriff, commissioner, or other officer, in case of sale of real  
 8 estate, affidavit of commissioner, notice to parties by commissioner in partition, and any other  
 9 ~~[paper]~~ **document** or pleading tending to show the service on the defendants for their  
 10 appearance in such case.

11 2. The clerk of the circuit court shall charge the sum of ten cents per one hundred  
 12 words for the ~~[recording of papers]~~ **filing of documents** as provided in this section, which  
 13 sum shall be paid into the county treasury.

509.520. 1. Notwithstanding any **other** provision of law to the contrary, beginning  
 2 August 28, ~~[2023]~~ **2026**, pleadings, attachments, **or** exhibits filed with the court in any case,  
 3 as well as any judgments ~~[or orders]~~ issued by the court, ~~[or other records of the court]~~ shall  
 4 not include ~~[the following confidential and personal identifying information]:~~

5 (1) The full Social Security number of any party or any child **who is the subject of**  
 6 **an order of custody or support; or**

7 (2) The full credit card number~~], financial institution account number, personal~~  
 8 ~~identification number, or password used to secure an account]~~ **or other financial account**  
 9 **number** of any party~~;~~

10 (3) ~~The full motor vehicle operator license number;~~

11 (4) ~~Victim information, including the name, address, and other contact information of~~  
 12 ~~the victim;~~

13 (5) ~~Witness information, including the name, address, and other contact information~~  
 14 ~~of the witness;~~

15 (6) ~~Any other full state identification number;~~

16 (7) ~~The name, address, and date of birth of a minor and, if applicable, any next friend;~~

17 ~~or~~

18 ~~(8) The full date of birth of any party; however, the year of birth shall be made~~  
19 ~~available, except for a minor.~~

20 ~~2. The information provided under subsection 1 of this section shall be provided in a~~  
21 ~~confidential information filing sheet contemporaneously filed with the court or entered by the~~  
22 ~~court, which shall not be subject to public inspection or availability.~~

23 ~~3. Nothing in this section shall preclude an entity including, but not limited to, a~~  
24 ~~financial institution, insurer, insurance support organization, or consumer reporting agency~~  
25 ~~that is otherwise permitted by law to access state court records from using a person's unique~~  
26 ~~identifying information to match such information contained in a court record to validate that~~  
27 ~~person's record.~~

28 ~~4. The Missouri supreme court shall promulgate rules to administer this section].~~

29 ~~[5.]~~ 2. Contemporaneously with the filing of every petition for dissolution of  
30 marriage, legal separation, motion for modification, action to establish paternity, and petition  
31 or motion for support or custody of a minor child, the filing party shall file a confidential case  
32 filing sheet with the court which shall not be subject to public inspection and which provides:

33 (1) The name and address of the current employer and the Social Security number of  
34 the petitioner or movant, if a person;

35 (2) If known to the petitioner or movant, the name and address of the current  
36 employer and the Social Security number of the respondent; and

37 (3) The names, dates of birth, and Social Security numbers of any children subject to  
38 the action.

39 ~~[6.]~~ 3. Contemporaneously with the filing of every responsive pleading petition for  
40 dissolution of marriage, legal separation, motion for modification, action to establish  
41 paternity, and petition or motion for support or custody of a minor child, the responding party  
42 shall file a confidential case filing sheet with the court which shall not be subject to public  
43 inspection and which provides:

44 (1) The name and address of the current employer and the Social Security number of  
45 the responding party, if a person;

46 (2) If known to the responding party, the name and address of the current employer  
47 and the Social Security number of the petitioner or movant; and

48 (3) The names, dates of birth, and Social Security numbers of any children subject to  
49 the action.

50 ~~[7.]~~ 4. The full Social Security number of any party or child subject to an order of  
51 custody or support shall be retained by the court on the confidential case filing sheet or other  
52 confidential record maintained in conjunction with the administration of the case. The full  
53 credit card number or other financial account number of any party may be retained by the

54 court on a confidential record if it is necessary to maintain the number in conjunction with the  
55 administration of the case.

56 [8:] 5. Any document described in subsection 1 of this section shall, in lieu of the full  
57 number, include only the last four digits of any such number.

58 [9:] 6. Except as provided in section 452.430, the clerk shall not be required to redact  
59 any document described in subsection 1 of this section issued or filed before August 28, 2009,  
60 prior to releasing the document to the public.

61 [10:] 7. For good cause shown, the court may release information contained on the  
62 confidential case filing sheet; except that, any state agency acting under authority of chapter  
63 454 shall have access to information contained herein without court order in carrying out their  
64 official duty.

510.030. 1. Upon motion of any party showing good cause therefor and upon notice  
2 to all other parties, the court in which an action is pending may:

3 (1) Order any party to produce and permit the inspection and copying or  
4 photographing, by or on behalf of the moving party, of any designated documents, papers,  
5 books, accounts, letters, photographs, objects, or tangible things, not privileged, which  
6 constitute or contain evidence material to any matter involved in the action and which are in  
7 [his] the party's possession, custody, or control; or

8 (2) Order any party to permit entry upon designated land or other property in [his] the  
9 party's possession or control for the purpose of inspecting, measuring, surveying, sampling,  
10 or photographing the property or any designated relevant object or operation thereon. The  
11 order shall specify the time, place, and manner of making the inspection and taking the copies  
12 and photographs and may prescribe such terms and conditions as are just.

13 2. A party may obtain without the required showing a statement concerning the action  
14 or its subject matter previously made by that party. For purposes of this subsection, a  
15 statement previously made is a written statement signed or otherwise adopted or approved by  
16 the person making it, or a stenographic, mechanical, electrical, audio, video, motion picture or  
17 other recording, or a transcription thereof, of the party or of a statement made by the party and  
18 contemporaneously recorded.

2 ~~[476.001. An efficient, well operating and productive judiciary is~~  
3 ~~essential to the preservation of the people's liberty and prosperity. In order to~~  
4 ~~achieve this goal, the general assembly and the supreme court must constantly~~  
5 ~~be aware of the operations, needs, strengths and weaknesses of the judicial~~  
6 ~~system. It is the purpose of sections 476.001, 476.055, 476.330 to 476.380,~~  
7 ~~476.412, 476.681, and 477.405 to provide the general assembly and the~~  
8 ~~supreme court with the mechanisms to obtain on a continuing basis a~~  
9 ~~comprehensive analysis of judicial resources and an efficient and organized~~  
~~method of identifying the problems and needs as they occur. It is the further~~

10 ~~purpose of sections 476.001, 476.055, 476.330 to 476.380, 476.412, 476.681,~~  
 11 ~~477.405, 478.073, and 478.320 to provide a system for the efficient allocation~~  
 12 ~~of available personnel, facilities and resources to achieve a uniform and~~  
 13 ~~effective operation of the judicial system.]~~

2 ~~[476.015. House Bill 1634 of the 2nd regular session of the 79th~~  
 3 ~~general assembly shall be known and may be cited as the "Court Reform and~~  
 4 ~~Revision Act of 1978".]~~

2 ~~[476.1000. All courts that require mandatory electronic filing shall~~  
 3 ~~accept, file, and docket a notice of entry of appearance filed by an attorney in a~~  
 4 ~~criminal case if such filing does not exceed one page in length and was sent by~~  
 5 ~~fax or regular mail. The provisions of this section shall expire on December~~  
 6 ~~31, 2016.]~~

2 ~~[561.031. 1. In the following proceedings, the provisions of section~~  
 3 ~~544.250, 544.270, 544.275, 546.030, or of any other statute, or the provisions~~  
 4 ~~of supreme court rules 21.10, 22.07, 24.01, 24.02, 27.01, 29.07, 31.02, 31.03,~~  
 5 ~~36.01, 37.16, 37.47, 37.48, 37.50, 37.57, 37.58, 37.59, and 37.64 to the~~  
 6 ~~contrary notwithstanding, when the physical appearance in person in court is~~  
 7 ~~required of any person, such personal appearance may be made by means of~~  
 8 ~~two-way audio-visual communication, including but not limited to closed~~  
 9 ~~circuit television or computerized video conferencing; provided that such~~  
 10 ~~audio-visual communication facilities provide two-way audio-visual~~  
 11 ~~communication between the court and the person:~~

11 ~~(1) First appearance before an associate circuit judge on a criminal~~  
 12 ~~complaint;~~

13 ~~(2) Waiver of preliminary hearing and preliminary hearing with~~  
 14 ~~consent of the defendant;~~

15 ~~(3) Arraignment on an information or indictment where a plea of not~~  
 16 ~~guilty is entered;~~

17 ~~(4) Arraignment on an information or indictment where a plea of~~  
 18 ~~guilty is entered upon waiver of any right such person might have to be~~  
 19 ~~physically present;~~

20 ~~(5) Any pretrial or posttrial criminal proceeding not allowing the~~  
 21 ~~cross-examination of witnesses;~~

22 ~~(6) Sentencing after conviction at trial upon waiver of any right such~~  
 23 ~~person might have to be physically present;~~

24 ~~(7) Sentencing after entry of a plea of guilty;~~

25 ~~(8) Any civil proceeding other than trial by jury;~~

26 ~~(9) Any civil or criminal proceeding which is not required to be a~~  
 27 ~~matter of record; and~~

28 ~~(10) Any civil or criminal proceeding by the consent of the parties.~~

29 ~~2. This section shall not prohibit other appearances via closed circuit~~  
 30 ~~television upon waiver of any right such person held in custody or~~  
 31 ~~confinement might have to be physically present.~~

32 ~~3. Nothing contained in this section shall be construed as establishing~~  
 33 ~~a right for any person held in custody to appear on television or as requiring~~

34 ~~that any governmental entity or place of custody or confinement provide a~~  
35 ~~two way audio visual communication system.]~~

✓