

# ALR 6th *Alert*

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## From the **editor**

As abortion is one of the most controversial topics in the United States, Volume 28 of A.L.R.6th features an annotation collecting cases on the constitutional right of prison inmates to have access to facilities providing abortion services (28 A.L.R.6th 485). Volumes 28 and 29 also feature annotations on elections, with one annotation discussing the validity of supermajority voting requirements (28 A.L.R.6th 439) and another discussing state statutes on early voting (29 A.L.R.6th). In addition, these volumes continue to deliver the latest installments of a series of related annotations on the issue of what constitutes a “custodial interrogation” by a police officer triggering Miranda requirements, with one annotation dealing with interrogations at a suspect’s residence (28 A.L.R.6th 505) and another dealing with interrogations at a police station where the defendant appears voluntarily (29 A.L.R.6th). Also contained are annotations addressing putative father registries (28 A.L.R.6th 349), statute regulations of viatical life insurance programs (28 A.L.R.6th 281), the backdating of stock options as a breach of corporate or fiduciary duties (29 A.L.R.6th), and the liability of state or local governmental entities for injuries sustained while sledding on government land (29 A.L.R.6th).

*Jennifer J. Ho, J.D.*

## Highlights

### WORKERS' COMPENSATION

#### Workers' Compensation for Injury Suffered by Employee While Driving Employer's Vehicle

Workers' compensation benefits have been awarded to employees who suffer injury while driving the employer's vehicle in most jurisdictions where the employee establishes that such employee was given the privilege of driving the employer's vehicle pursuant to the employment agreement or some other recognized basis for the privilege, and the injury arose out of and in the course of employment. This annotation collects and analyzes the cases discussing the bases of the privilege to drive an employer's vehicle,



the requisites of compensability, the defenses to a claim for compensation, and how the principles have been applied for injuries suffered under particular circumstances, and by particular occupations. 28 A.L.R.6th 1

### SEARCHES AND SEIZURES

#### Hospital as Within Constitutional Provision Forbidding Unreasonable Searches and Seizures

A warrantless search is per se unreasonable, and presumptively violates the constitutional proscription of

the Fourth Amendment against unreasonable searches and seizures, unless it falls within one of a limited number of carefully circumscribed exceptions to the warrant requirement, such as a search by consent, a search incident to arrest, probable cause and exigent circumstances, items in plain view, or an inventory search following arrest. Courts have determined whether a search of a defendant or his or her effects at a hospital, and seizure of the evidence obtained therefrom, was constitutional. This annotation collects and summarizes those cases which have considered whether a hospital is within a constitutional provision forbidding unreasonable searches and seizures. [28 A.L.R.6th 245](#)

## **ADOPTION**

### **Requirements and Effects of Putative Father Registries**

Many states have enacted statutes making enrollment with a putative father registry a prerequisite to an unwed father's exercise of certain parental rights.

Disputes between putative fathers, birth mothers, and prospective adoptive parents have required courts to adjudicate the validity, construction, and application of these statutes. This annotation collects and analyzes all cases discussing the requirements and effects of putative father registries. [28 A.L.R.6th 349](#)

## **PRISONS**

### **Constitutional Right of Prisoners to Abortion Services and Facilities**

Few issues have been more divisive in the United States than the legality and availability of abortion. In a number of cases, courts have been called upon to delineate the constitutional right of prison inmates to have access to facilities providing abortion services. This annotation collects and analyzes all the federal and state cases discussing whether a prison inmate has a federal or state constitutional right of access to abortion services and, if so, whether an inmate's right was violated under the circumstances. [28 A.L.R.6th 485](#)

# Coming Soon

Listed below are a few of the topics scheduled to be published in [29 A.L.R.6th](#) in November 2007. Some of the annotations listed may be rescheduled.



cases addressing early voting statutes. [29 A.L.R.6th](#)

## **ABANDONMENT OF PROPERTY OR RIGHT**

### **State Statutes Implementing Uniform Unclaimed Property Act**

A state, subject to constitutional limitations, may use its legislative power to dispose of property within its reach belonging to unknown persons, and many states have enacted legislation more or less comprehensive in scope providing in effect for the escheat of abandoned and unclaimed property or giving the state custody of such property with or without ultimate escheat. In 1995, the National Conference of Commissioners on Uniform State Laws promulgated the Uniform Unclaimed Property Act (1995), which superseded the 1981 version of the Act, the Uniform Disposition of Unclaimed Property Act. Cases dealing with the validity, construction, and application of the Uniform Unclaimed Property Act or its predecessor, the Uniform Disposition of Unclaimed Property Act, will be discussed in this annotation. [29 A.L.R.6th](#)

## **CORPORATIONS**

### **Backdating Stock Options as Breach of Corporate or Fiduciary Duties**

Backdating stock options involves granting a corporate officer a stock option that is dated on a date earlier than it is actually issued, usually at a date when the stock price was very low. This means that the value of the option is the difference between the low price and the present higher price. While backdating stock options is not necessarily illegal, caselaw has considered whether particular board actions involving them violated state and federal guidelines. Among such requirements is the fiduciary duty of corporate board members. Courts have reached a variety of conclusions as to whether backdating stock options breached the board's fiduciary duties, as this annotation will illustrate. [29 A.L.R.6th](#)

## **ELECTIONS**

### **Early Voting Statutes**

Many states offer some sort of early voting, which generally differs from absentee voting in that voters may visit an election official's office and cast a vote in person without offering an excuse for not being able to vote on election day. This annotation will collect and analyze

## **CUSTODIAL INTERROGATION**

### **Custodial Interrogation at Police Station**

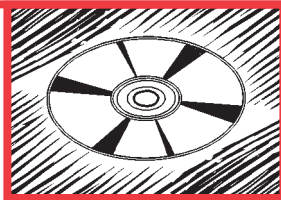
The United States Supreme Court, in *Miranda v. Arizona*, 384 U.S. 436, 86 S. Ct. 1602, 16 L. Ed. 2d 694, 10 A.L.R.3d 974 (1966), held that the Fifth Amendment privilege against self-incrimination is available outside of criminal court proceedings, and serves to protect persons in all settings in which their freedom of action is curtailed from being compelled to incriminate themselves. *Miranda* warnings are due only when a suspect interrogated by the police is in custody. The

issue arises as to what constitutes “custodial interrogation” by a police officer within the rule of *Miranda*, requiring that a suspect be informed of his or her federal constitutional rights before the custodial interrogation occurs, when the interrogation occurs at a police station or sheriff’s office, and where the defendant voluntarily appears at the station or appears at the request of law enforcement personnel, or where it is unspecified in the reported decision as to the circumstances upon which the defendant is present at the station or office. This

annotation collects and analyzes the cases in which the courts have addressed the issue as to what constitutes “custodial interrogation” by a police officer within the rule of *Miranda*, when the purported interrogation takes place at a police station or sheriff’s office, and when the defendant voluntarily appears at the station or appears at the request of law enforcement personnel, or where it was unspecified in the reported decision as to the circumstances upon which the defendant was present at the station or office. **29 A.L.R.6th**

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The following is a complete list, arranged alphabetically by topic, of annotations contained in the current volume 28 A.L.R.6th or scheduled for publication in 29 A.L.R.6th. Some of the annotations listed may be rescheduled.



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