

ALR 6th *Alert*

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From the **editor**

In the upcoming volumes of A.L.R.6th, we cover a variety of different issues. Among the issues discussed in volume 35 are the validity of state statutes prohibiting child luring by verbal or nonelectronic means ([35 A.L.R.6th 361](#)) and the extension of First Amendment protection to blogs and bloggers ([35 A.L.R.6th 407](#)). In the soon to be published volume 36 some articles of note are constitutional challenges to state child abuse registries and if early retirement qualifies an individual for a modification of divorce decree resulting in a reduction in alimony payments ([36 A.L.R.6th](#)).

Michael T. Poccia, Editor and Brenda M. Williamson, J.D.

Highlights

ABDUCTION AND KIDNAPPING

Infants—Luring of Minor

Various statutes have been enacted to protect minors from sexual predators and other individuals who prey upon children with the intent to harm them. Some of these statutes make it a criminal offense to intentionally lure or entice, or attempt to lure or entice, a child into a structure, dwelling, or conveyance for an unlawful purpose. This annotation collects and discusses those cases in which the courts have determined the validity of, or have construed or applied, state statutes prohibiting child luring by means of verbal or other nonelectronic communications. [35 A.L.R.6th 361](#)



Since blogs deal with the opinions of a wide variety of persons, who may feel freer to criticize over the Internet than they would in person or in print, many postings may be scurrilous or even libelous and the targets may then try to identify the bloggers and sue them for

defamation. Other bloggers, such as students, may be subject to disciplinary action, if blog content is deemed inappropriate. To what extent are such blogs protected by the First Amendment? The courts have reached a variety of responses concerning the application of the First Amendment to blogs and bloggers, as the following annotation illustrates. [35 A.L.R.6th 407](#)

INTERNET

First Amendment—Blogs

A web log or “blog” is an increasingly popular and diverse form of a personal website. Many blogs function as the blogger’s online diary, while others are political or business-oriented, but all permit and display comments by readers who are often anonymous or pseudonymous.

LOBBYING

Enactments Regulating Lobbying

The word “lobbying” refers to addressing or soliciting members of a legislative body for the purpose of influencing their vote. Lobbying has been characterized as an indispensable element of the legislative process, being that of communicating the people’s needs and wishes to the legislature. In earlier eras, the regulation

of lobbying was sought through the law of contracts with respect to the validity or enforcement of lobbying contracts to influence legislation. More recently, however, many states and municipalities have sought to regulate lobbying by legislative enactments. Such enactments generally require legislative agents to register and to make periodic reports, while some also contain a prohibition of certain payments or gifts to legislators, along with other requirements and proscriptions. Cases have reached a variety of results depending on the circumstances presented and the varying rules applied by the courts. This annotation collects the state and federal cases in which the courts have considered the validity, construction, and application of state and municipal enactments regulating lobbying and of lobbying contracts. [35 A.L.R.6th 1](#)

UNIFORM COMMERCIAL CODE

Notification of Assignment

Under Uniform Commercial Code § 9-406 and former § 9-318(3), an account debtor may discharge its obligation by paying the assignor until receiving notification of the assignment and that payment is to be made to the assignee; notification is ineffective if it does not reasonably identify the rights assigned. This annotation collects and analyzes the cases construing and applying the provisions of U.C.C. § 9-406 and former § 9-318(3) that an account debtor is authorized to make payment to the assignor until receipt of notification to pay the assignee. [35 A.L.R.6th 437](#)

Coming Soon

Listed below are a few of the topics scheduled to be published in [36 A.L.R.6th](#) in August 2008. Some of the annotations listed may be rescheduled.



BURGLAR ALARMS

Telecommunications—Contracts

A company that provides an alarm system may, by contract, limit its liability to a specific amount or exculpate itself from liability. This annotation collects and discusses those cases in which the courts have determined the validity, construction, and application of exculpatory and limitation of liability clauses in burglary, fire, and other home and business monitoring service contracts. [36 A.L.R.6th](#)

DIVORCE AND SEPARATION

Retirement of Husband

Retirement ordinarily constitutes a very real change of circumstances, involving, among other things, more leisure time but, in many instances, less income. As a divorced husband realizes that the reduced income will have to cover the same costs and expenses formerly covered by a higher level of income, he may well look upon his alimony obligation as a place to “cut corners,” if he can get his payments modified. To that end, he will allege that his retirement constitutes the changed circumstances that warrant reducing his alimony, but, since not every change of circumstances will justify altering the amount of alimony a husband is required to pay, the question then arises whether the events surrounding the husband’s retirement really do constitute the necessary “change of circumstances” that will warrant modification of the husband’s divorce decree. While a support obligor’s retirement age may be considered in assessing the overall reasonableness of his or her retirement, it has

been held that there is no presumptive age for an objectively reasonable retirement, but if the husband has chosen early retirement, the situation is scrutinized carefully to determine, initially, whether his primary reason for taking retirement may have been to avoid his support obligation. Unless the

taking of early retirement can be shown to have been for such reason, it has been held that an objectively reasonable retirement, taken in good faith and without intent to defeat the support obligation, does constitute a substantial and material change in circumstances so that a modification of support obligation may be considered. This annotation collects and discusses the cases that have considered whether the early retirement of the husband is a change of circumstances warranting modification of the divorce decree. [36 A.L.R.6th](#)

REGISTRATION

State Child Abuse Registries

The intent of a statute prohibiting the endangering of the life, limb, health, or morals of a child is to protect the physical health, morals, and well-being of children, and this solicitude relates not only to sexual offenses, but to other dangers as well. The legislative policy of protecting minors from the abuse that underlies these types of statutes does not support a narrow construction of the statutory terms and definitions, for statutory provisions relating to child abuse reporting, investigation, and rehabilitation are remedial in nature and deserve a liberal construction. State child abuse reporting statutes, while they create a life or liberty interest in an abused minor child, do not create a private cause of action. Statutes or municipal ordinances sometimes require persons previously convicted of crime to register with designated officials. It has been held unconstitutional to punish under such an ordinance a person whose default was completely innocent in that she was unaware of the requirement and there were no circumstances to put her on inquiry. Criminal registration statutes have generally withstood challenges based on allegations that they deny equal protection of the laws, and that they violate

constitutional prohibitions against bills of attainder, ex post facto laws, and cruel and unusual punishment. Some jurisdictions have state registries requiring the jurisdiction to have, in one central location, the names of all known subjects of indicated reports of child abuse and maltreatment so that the information may be used when needed to conduct appropriate investigations and database checks, either for the protection of the children named in those reports or for the protection of other children who might come into contact with the report's subject. The registry will typically receive telephone calls alleging child abuse, and, when any allegations contained in such calls could reasonably constitute a report of child abuse of a child, the allegations are immediately transmitted by the registry to an appropriate organization for investigation. Constitutional challenges have been brought to state child abuse registries specifically. This annotation discusses the cases that have considered constitutional challenges to state child abuse registries. **36 A.L.R.6th**

TELECOMMUNICATIONS

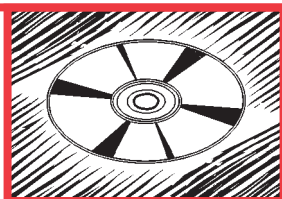
Telecommunications Service as Competitive

The Telecommunications Act of 1996 provides for the promotion of competition and the reduction of regula-

tion in the telecommunications industry, in order to secure lower prices and higher quality services for American telecommunications consumers and to encourage the rapid deployment of new telecommunications technology. The legislation fundamentally restructures local telephone markets, ending the monopolies that states historically granted to local exchange carriers and subjecting incumbent local exchange carriers to a host of duties intended to facilitate market entry, including the obligation to share their networks with competitors. Incumbent local exchange carriers (ILECs) are required to interconnect at any technically feasible point that is at least equal in quality to that provided by the local exchange carrier to itself or to any subsidiary, affiliate, or any other party to which the carrier provides interconnection, and on rates, terms, and conditions that are just, reasonable, and nondiscriminatory. ILECs also must offer for sale unbundled network elements at rates, terms, and conditions that are just, reasonable, and nondiscriminatory. The issue arises as to the propriety of the classification of a telecommunications service as "competitive." This annotation collects and addresses the cases in which the courts have considered the propriety, application, and effect of the classification of a telecommunications service as "competitive." **36 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 **35 A.L.R.6th** or scheduled for publication in **36 A.L.R.6th**. Some of the annotations listed may be rescheduled.



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