

ALR 6th

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From the editor

Statutory schemes will sometimes require people previously convicted of certain crimes—such as those involving sex offense, drugs, or gang activity—to register with local law-enforcement officials. Some statutes, such as those involving sexual offenses, require a mandatory registration. Various issue have arisen when these registration statutes to juvenile offenders. In the two upcoming volumes of A.L.R.6th, we'll look at not just the constitutional issues that arise from this action ([37 A.L.R.6th 55](#)), but the duty to register, requirements for registration, and procedural matters that surround the issue ([38 A.L.R.6th](#)). Among the other annotations include articles about judicial decisions involving the American Society of Composers, Authors, and Publishers ([37 A.L.R.6th 243](#)) and a hospital's liability arising from the use of nondefective wheelchairs ([38 A.L.R.6th](#)).

Michael T. Poccia, Editor, and Jill M .Marks, J.D.

Highlights

CRIMINAL LAW

Registration—Juvenile Offenders

Statutory schemes sometimes require persons previously convicted of a crime, such as those involving sexual offenses, drugs, or gang activity, to register with designated officials. Some states, for example, have enacted mandatory sex-offender registration laws requiring individuals convicted of sex offenses to register with local law-enforcement agencies upon release from confinement or upon moving. Various constitutional issues may arise when such criminal registration statutes or ordinances are applied to juvenile offenders. This annotation collects and discusses those cases which have considered constitutional issues relating to the application, as to juvenile offenders, of state statutes or ordinances requiring persons previously convicted of a crime to register with authorities. [37 A.L.R.6th 55](#)



MUSIC AND MUSICIANS

ASCAP

Pursuant to 17 U.S.C.A. §106, the owner of a copyright has the exclusive rights to do and to authorize any of the following:

(1) to reproduce the copyrighted work in copies or phonorecords; (2) to prepare derivative works based upon the copyrighted work; (3) to distribute copies or phonorecords of the copyrighted work to the public by sale or other transfer of ownership, or by rental, lease, or lending; (4) in the case of literary, musical, dramatic, and choreographic works, pantomimes, and motion pictures and other audiovisual works, to perform the copyrighted work publicly; (5) in the case of literary, musical, dramatic, and choreographic works, pantomimes, and pictorial, graphic, or sculptural works, including the individual images of a motion picture or other audiovisual work, to display the copyrighted

work publicly; and (6) in the case of sound recordings, to perform the copyrighted work publicly by means of a digital audio transmission. The American Society of Composers, Authors and Publishers (ASCAP) is a membership association of more than 285,000 United States composers, songwriters, lyricists, and music publishers of every kind of music. Through agreements with affiliated international societies, ASCAP also represents hundreds of thousands of music creators worldwide. ASCAP represents every kind of music, and its repertory includes pop, rock, alternative, country, R&B, rap, hip-hop, Latin, film and television music, folk, roots and blues, jazz, gospel, Christian, new age, theater and cabaret, dance, electronic, symphonic, and concert. ASCAP members make their living writing music, and the organization exists to ensure that music creators are paid promptly when their works are performed publicly. The courts have been called upon to determine the rights and obligations pertaining to, or arising from, the myriad of actions and functions of ASCAP. This annotation collects and analyzes the cases involving a judicial determination by a court involving ASCAP. [37 A.L.R.6th 243](#)

STAY OF ACTION OR PROCEEDING

Stay of Civil Case during Criminal Action

An individual faced with litigating a civil case while being involved in a related criminal matter may seek a

stay of the former until the termination of the latter. Courts have examined various interests implicated in determining whether such a stay is warranted, including the criminal defendant's Fifth Amendment privilege against self-incrimination, the civil plaintiff's interest in an expeditious resolution of his or her claims, the judicial interests in economy and efficiency, and the public's interest in a vigorous investigation of criminal misconduct. This annotation shall collect and analyze all state cases discussing under what circumstances courts have stayed civil cases or civil discovery during parallel criminal matters arguably involving the same parties or same issues. [37 A.L.R.6th 511](#)

INSURANCE AND INSURANCE COMPANIES

Anti-Concurrent Causation Clauses

An anti-concurrent causation clause in an insurance policy is an attempt to contract around the doctrines of "concurrent cause" and "efficient proximate cause" by stating that where a property loss is caused by a combination of excluded and covered perils the entire loss is excluded from coverage. This annotation collects and analyzes all cases discussing the validity, construction, and application of ACC clauses. [37 A.L.R.6th 657](#)

Coming Soon

Listed below are a few of the topics scheduled to be published in 38 A.L.R.6th in October 2008. Some of the annotations listed may be rescheduled. Advance copies of coming annotations may be obtained by customers, free of charge, by calling 1-800-225-7488 or by sending an e-mail message to ALRLCS-Rochester@thomson.com.



REGISTRATION

Registration—Juvenile Offenders

Statutory schemes sometimes require persons previously convicted of a crime, such as those involving sexual offenses, drugs, or gang activity, to register with designated officials. Some states, for example, have enacted mandatory sex-offender registration laws requiring individuals convicted of sex offenses to register with local law-enforcement agencies upon release from confinement or upon moving. Courts have been called upon to construe and apply state statutes or ordinances requiring juvenile offenders previously convicted of a crime to register with authorities. This annotation collects and discusses those cases which have considered, as applied to juvenile offenders, the construction and application of state statutes or ordinances requiring persons previously convicted of a crime to register with authorities with regard to the duty to register, requirements for registration, and other procedural matters. [38 A.L.R.6th](#)

WHEELCHAIRS

Hospitals—Wheelchairs

Wheelchairs are a boon for people who have restricted mobility for a variety of reasons, and are of critical need in hospitals where non-ambulatory patients can be transported within the hospital's premises much more easily than by moving beds or gurneys. However, even where the wheelchair is not defective, careless treatment of a wheelchair patient, such as allowing the patient to fall during transport or a transfer out of or into the wheelchair can result in the patient being injured. Courts have reached a variety of conclusions as to a hospital's liability for injuries to a patient through the use of wheelchairs, as this annotation illustrates. [38 A.L.R.6th](#)

CRIMINAL LAW

Expert Witnesses-DNA

DNA identification evidence, expressly or impliedly including statistical calculations of band pattern frequency in the population, is ordinarily admissible to aid in determining a perpetrator's identity, on grounds that the technique has been scientifically accepted as reliable, or that the proof is at least as probative as prejudicial. DNA identification is based on the universally accepted principle that no two people share exactly the same genetic configuration, that the length and composition of certain DNA base-pair sequences varies

from one individual to another at several million sites along the human chromosome, and that by examining the sizes of enough fragments at different sites on different chromosomes, statistical procedures based on known sequence frequencies in the population can be employed to establish the uniqueness of any one person's DNA pattern. Under the Federal and Uniform Rules of Evidence, if an expert witness for a party qualifies as an expert, the proponent must show that the scientific, technical, or other specialized knowledge to which the expert is privy will assist the trier of fact to understand the evidence or to determine a fact which is in issue. The assessment of reliability of a technique permits, but does not require, identification of a relevant scientific community and an express determination of a degree of acceptance of the theory or technique within that community. Widespread acceptance can be an important factor in ruling evidence admissible. A known technique that has been able to attract only minimal support within the scientific community may properly be viewed with skepticism. This inquiry is a flexible one and the focus must be solely on principles and methodology, not on the conclusions that such principles and methodology generate. The issue arises as to whether a witness is qualified to testify as to "DNA matching" and similar matters related to DNA science. This annotation collects and addresses the cases which have considered whether a witness was qualified to testify as to DNA matching. **38 A.L.R.6th**

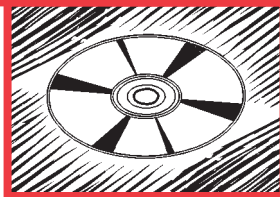
LABOR AND EMPLOYMENT

Emotional Distress-Employment

It is the duty of the employer to exercise ordinary or reasonable care commensurate with the nature of the business to protect the employee from the hazards incident to it, and the employer is bound to exercise this degree of diligence in providing an employee with safe tools, appliances, machinery, and working places. The common-law liability of an employer for negligent injuries to an employee is limited to those circumstances in which the employer could have foreseen and prevented the harmful occurrence. The issue arises as to the liability of an employer, supervisor, or manager for intentionally or recklessly causing an employee emotional distress related to issues of defamation, invasion of privacy, and the employer's alleged misuse of company procedures. This annotation collects and analyzes the state and federal cases in which the courts have specifically discussed the independent tort liability of an employer, or one acting in a supervisory or managerial capacity, for intentionally or recklessly causing an employee emotional distress with or without resultant physical injury, in the absence of any contemporaneous physical injury or impact, with respect to issues of defamation, invasion of privacy, and the employer's alleged misuse of company procedures. **38 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 **37 A.L.R.6th** or scheduled for publication in **38 A.L.R.6th**. Some of the annotations listed may be rescheduled.



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