

ALR 6th

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From the

editor

Volumes 69 and 70 of A.L.R.6th address the application of technology to various legal issues, such as the admissibility and use of secure continuous remote alcohol monitoring (SCRAM) devices in civil and criminal proceedings [69 A.L.R.6th 549], a criminal defendant's right to electronic recordation of interrogations and confessions [69 A.L.R.6th 579], the propriety of school policies, and measures taken pursuant to school policies, prohibiting the possession, display, or use of cell phones in school [70 A.L.R.6th], and the propriety and sufficiency of the electronic filing of a notice of appeal in state actions [70 A.L.R.6th].

Jason B. Binimow, J.D. and Douglas S. Jurenko, Editor

Highlights

CUSTODIAL INTERROGATION

Criminal Defendant's Right to Electronic Recordation of Interrogations and Confessions

A number of police departments now tape record a suspect's statements as a matter of course and some have begun videotaping them. This annotation collects and discusses those cases in which courts have considered a criminal defendant's right to electronic recordation of interrogations and confessions. [69 A.L.R.6th 579](#)

INSURANCE

Propriety and Use of Balance Billing in Health Care Context

As government and private health insurance became more available, control of the health care finance system gradually shifted from physicians and other medical providers toward government and private health insurers, who, in order to combat spiraling health care costs, implemented various regulative and contractual mechanisms to control costs. Limitations placed on rates of reimbursement to medical providers provided significant savings, but

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threatened to burden patients with large out-of-pocket expenditures to cover the cost of medical services that exceeded the limited reimbursement rates, which in turn prompted government and private insurers to adopt limitations and prohibitions on "balance billing" patients for medical charges that exceeded the reimbursement rate of the particular insurance plan. Because restrictions on balance billing are creatures of law and contract, they ostensibly apply only to providers of medical supplies or services that have agreed to participate in the particular health insurance plan, but there are some exceptions. There has been a substantial amount of litigation regarding the enforceability, applicability, and limits of various "balance billing" restrictions. This annotation collects and analyzes the cases in which courts have dealt with those issues. [69 A.L.R.6th 317](#)

SCIENCE AND SCIENTIFIC MATTERS

Admissibility and Use of Secure Continuous Remote Alcohol Monitoring (SCRAM) Devices

Secure Continuous Remote Alcohol Monitoring (SCRAM) is a widely used program for determining

whether a person who is not in police custody has complied with a court order to abstain from drinking alcoholic beverages. The subject wears an ankle bracelet unit which periodically measures the alcohol content of the subject's perspiration. The resulting data is then transmitted to a centralized monitoring site where it is examined for indications that the subject has consumed alcohol. The widespread use of SCRAM has produced a range of issues. This annotation collects and discusses all cases that have considered the admissibility and use of SCRAM in civil and criminal proceedings. [69 A.L.R.6th 549](#)

SEARCH AND SEIZURE

Search and Seizure: Reasonable Expectation of Privacy in Side Yards

Under the Fourth Amendment to the United States Constitution, U.S. Const. Amend. IV, and state constitutions mirroring its language, areas where people have protected reasonable expectations of privacy include a person's home and its curtilage. The curtilage of a residence means the land immediately surrounding and associated with the home, encompassing the side yards, although the question of where the curtilage ends is determined on a case-by-case basis. Many courts have addressed the reasonableness of expectations of privacy in side yards against warrantless searches and seizures. This annotation collects and discusses all cases in which courts have considered the reasonableness of expectations of privacy against warrantless searches and seizures in private side yards. [69 A.L.R.6th 275](#)

Coming Soon

Listed below are a few of the topics scheduled to be published in [70 A.L.R.6th](#) in December 2011. Some of the annotations listed may be rescheduled.



APPEAL AND ERROR

Propriety and Sufficiency of Electronic Filing of Notice of Appeal in State Actions

Among the areas in which electronic communications have greatly contributed to speed and efficiency is the filing of papers in legal proceedings. The transmission of documents and filings, and responses thereto, can be greatly speeded up, with much less chance of material going astray, when e-mails and websites are used. In this context, some state cases have considered whether a notice of appeal could be sent electronically and, if so, whether particular electronic communications satisfied such requirement. Courts have reached varying conclusions as to the permissibility and sufficiency of electronic notices of appeal, as this annotation will illustrate. [70 A.L.R.6th](#)

CHILDREN AND MINORS

Construction and Application of State Abandoned Newborn Infant Protection Acts

Under a state abandoned newborn infant protection act, individuals may anonymously surrender a healthy newborn or infant child to a designated safe haven location. After such a surrender has occurred, the state agency responsible for child and youth services is generally excused from making any efforts to reunify the surrendered child with the parents, find the mother or

father, search for family members for placement, or provide any services; however, the state may have an obligation to search any reports for missing children to ensure that the child has not been reported missing. In addition, the state may be able to take custody of the child on an expedited

basis for the purpose of seeking a permanent placement through adoption. This annotation will collect and discuss the state court cases that have construed and applied state abandoned newborn infant protection acts. [70 A.L.R.6th](#)

CRUELTY

Challenges to Pre- and Post-conviction Forfeitures and Postconviction Restitution Under Animal Cruelty Statutes

With the rise in public outrage over animal abuse and neglect, states have enacted increasingly more stringent anticruelty laws, replete with enforcement mechanisms allowing animal control and law enforcement to rescue victimized animals from deleterious situations. This annotation collects and discusses the cases that have addressed challenges to pre- and post-conviction forfeitures and postconviction restitution under animal cruelty statutes. [70 A.L.R.6th](#)

SCHOOLS AND EDUCATION

Propriety of School Policies, and Measures Taken Pursuant to School Policies, Prohibiting the Possession, Display, or Use of Cell Phones in School

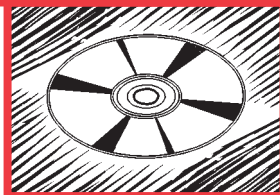
The proliferation of cellular telephones has presented a dilemma for school administrators seeking to contend with students using cellular phones in school. School districts have responded by enacting policies prohibiting the possession, display, or use of cell phones in school.

These policies, and the manner of their implementation, have been challenged in the courts. This annotation will collect and discuss the cases that have addressed

the propriety of school policies, and the measures taken pursuant to those policies, prohibiting the possession, display, or use of cell phones in school. **70 A.L.R.6th**

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