

	Interstate Commission for Juveniles	Opinion Number 1-2010	Page Number: 1
<p style="text-align: center;">ICJ Advisory Opinion Issued by: Executive Director: Ashley H. Lippert Chief Legal Counsel: Richard L. Masters</p>			
State Requesting Opinion: Pennsylvania		Dated: January 25, 2010	
Description: Receiving state's ability to sanction juveniles under ICJ Rule 4-104.1			

Background & History:

Pursuant to Commission Rule 8-101 (3), the State of Pennsylvania has requested an advisory opinion regarding the requirements of the Compact and ICJ Rules on the following issue:

Issue:

Pennsylvania would like to have the authority (as a receiving state) to sanction juveniles who are being supervised and continue to violate conditions of probation/parole. In some situations, the sending state does not have the resources to return the youth for violation hearings and other times the violations are not significant enough to warrant a retaking of the juvenile. This often results in “unsuccessful discharges” and thus not holding the juveniles accountable and putting communities at risk.

1. Does the phrase “same standards . . . that prevail for its own juveniles . . .” allow the receiving state, under this Rule to impose graduated sanctions?
2. Does this Rule or any other ICJ Rule address the receiving state’s ability to sanction juveniles?

Applicable Rules:

Rule 4-104 (1) in relevant part provides:

1. “Each receiving state will assume the duties of visitation and supervision over any delinquent juvenile, including juvenile sex offenders who it has accepted for cooperative supervision and in exercise of those duties will be governed by the same standards of visitation and supervision that prevail for its own juveniles released on probation or parole.”

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Analysis and Conclusions:

The intent of this rule, as clearly expressed by the text anticipates that once determined to be under supervision and transferred under the Interstate Compact for Juveniles (ICJ), Rule 4-104.1 requires that a receiving state's supervision of a juvenile will be "governed by the same standards of visitation and supervision that prevails for its own delinquent juveniles released on probation or parole." Pennsylvania has asked whether, under the authority of this rule or any other ICJ rule, it is permitted to impose 'graduated sanctions on a juvenile transferred into the State under the provisions of the ICJ. Although Pennsylvania divides its inquiry in this regard into two parts, the analysis of this question and applicable authorities allow both facets of this request to be answered together.

In determining the meaning of the language any statute or administrative rule promulgated pursuant to statutory authority, a cardinal rule of statutory construction begins with the assumption that in the absence of a special definition in the text of the statute or regulation, "*the ordinary meaning of that language accurately expresses the legislative purpose.*" *Engine Mfrs. Assn. v. South Coast Air Quality Management Dist.*, 541 U.S. 246, 252, 124 S.Ct. 1756, 158 L.Ed.2d 529 (2004). As the U.S. Supreme Court recently reaffirmed, "Applying "settled principles of statutory construction," "we must first determine whether the statutory text is plain and unambiguous," and "[i]f it is, we must apply the statute according to its terms." *Carcieri v. Salazar*, 555 U.S. ----, ----, 129 S.Ct. 1058, 1063-1064, 172 L.Ed.2d 791 (2009); See also *Connecticut Nat. Bank v. Germain*, 503 U.S. 249, 253-254 (1992).

Using these well accepted rules of statutory interpretation, it is clear that because the ICJ rules do not include a special definition of the terms "same standards . . . that prevail for its own juveniles. . ." the ordinary meaning of those terms leads to the inevitable conclusion that as the supervising State, Pennsylvania is thus permitted, under Rule 4-104.1, to impose 'graduated sanctions' upon any juvenile transferred under the compact if such standards are also applied to its own delinquent juveniles.