

1981 S.C. Op. Atty. Gen. 116 (S.C.A.G.), 1981 S.C. Op. Atty. Gen. No. 81-93, 1981 WL 96618

Office of the Attorney General

State of South Carolina

Opinion No. 81-93

December 4, 1981

***1 RE: Request for Opinion/Youthful Offender Division**

Larry C. Batson, Esquire
Legal Advisor
S. C. Department of Corrections
P. O. Box 21787
Columbia, S. C. 29221

Dear Mr. Batson:

You have requested an opinion of this Office concerning the ability of the Youthful Offender Division, hereafter 'Division' of the Department of Corrections to transfer supervision of a conditionally released youthful offender to another jurisdiction.

Pursuant to [§ 24-19-40, Code of Laws](#) (1976), the Division is empowered to adopt rules to implement the Youthful Offender Act. The Division is given the power to conditionally release youthful offenders with supervision and to discharge that offender unconditionally at the expiration of one year. [§ 24-19-110, 120, Code of Laws](#) (1976). Therefore, the Division is empowered to create rules and regulations concerning the supervision of the youthful offenders within the limitations of state law. [§ 24-19-30, Code of Laws](#) (1976).

The General Assembly has enacted the Interstate Corrections Compact, [§ 24-11-10, et. seq., Code of Laws](#) (1976) and the Uniform Act for Out-of-State Parolee Supervision, [§ 24-21-810, et. seq., Code of Laws](#) (1976) concerning interstate interaction of prisoners and parolees. The Division has the statutory power to create a procedure to contract with the South Carolina Department of Parole and Community Corrections for the transfer of the released youthful offender to the Department of Parole and Community Corrections. [§ 24-19-100, Code of Laws](#) (1976). This would be done for the narrow purpose of utilizing the out-of-state parole supervision compact and its state administrator to enable out-of-state supervision under the guidelines established under the Act during the period of conditional release. The Division could also directly utilize the Interstate Corrections Compact procedures to provide for such transfer to cooperating jurisdictions.

If I can be of further assistance, please feel free to contact me.

Sincerely,

Donald J. Zelenka
Assistant Attorney General

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