



**Interstate Commission
for Adult Offender Supervision
ADVISORY OPINION**

Opinion Number: 4-2005
Issued: 2005-05-05

Requested by: Oklahoma

At Issue: Pursuant to [Rule 6.101](#), the State of Oklahoma has requested an advisory opinion on whether supervised individuals who are not eligible for transfer under [Rule 3.101](#) or [Rule 2.105](#) of the Interstate Compact for Adult Offender Supervision (ICAOS) may nonetheless transfer under [Rule 3.101-2](#) as a discretionary transfer

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Issued by: Don Blackburn, Executive Director and Richard L. Masters, Legal Counsel

Analysis

Article I of the Interstate Compact for Adult Offender Supervision provides that “the compacting states recognize that there is no right of any offender to live in another state.” Similarly, [Rule 2.110](#) states that “no state shall permit a person who is eligible for transfer under this Compact to relocate to another state except as provided by the Compact and these rules.”

Together, these provisions make clear that individuals subject to supervision under the Compact may not relocate outside the sending state except as permitted by ICAOS Rules.

Certain supervised individuals, based on the nature of their offense, lack of residency or employment in the receiving state, or other eligibility criteria, do not qualify for mandatory transfer under [Rule 3.101](#). Ordinarily, such individuals would remain under supervision in the sending state.

However, [Rule 3.101-2](#) provides an exception, allowing that “A sending state may request transfer of supervision of a supervised individual who does not meet the eligibility requirements in [Rule 3.101](#), where acceptance in the receiving state would support successful completion of supervision, rehabilitation of the supervised individual, promote public safety, and protect the rights of victims.”

[Rule 3.101-2](#) serves as a “safety valve,” allowing for case-by-case discretion when both the sending and receiving states agree that transfer would serve the interests of justice, public safety, and rehabilitation. This flexibility supports the Compact’s overall purpose of promoting accountability and effective supervision across state lines.

Opinion

A supervised individual who is under supervision within the meaning of the Compact but is ineligible for mandatory transfer under [Rule 3.101](#) may nonetheless be transferred under [Rule 3.101-2](#) as a discretionary transfer, provided that both the sending and receiving states agree that good cause exists and the transfer serves the purposes of the Compact.