

## EXAMPLES OF STATUTORY CONSTRUCTION RULES FROM CASE LAW

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*Cautionary Note: This is a general statement of some of the rules. As applied in case law, many of the rules are subject to exceptions or qualifications.*

- The fundamental objective in statutory construction is to determine and carry out the intent of the Legislature.
- Courts will give effect to a statute's plain meaning and assume the Legislature means exactly what it says. The plain meaning can be determined from the statute's language and context, including related statutes that disclose legislative intent about the provision in question.
- A court will interpret a statute in light of the circumstances existing at the time of its enactment in giving effect to the intent of the legislature.
- A statute is ambiguous if it is susceptible to more than one reasonable interpretation.
- Non-technical terms that are not defined in a statute are given their ordinary meanings.
- Use of the same words in the same statute should be interpreted alike. Where different words are used in different parts of a statute it is presumed that a different meaning was intended to apply to each word.
- Last antecedent rule: Qualifying words and phrases refer to the last antecedent, unless a contrary intention appears in the statute.
- Noscitur a sociis (it is known from its associates): The meaning of words may be indicated or controlled by those with which they are associated.
- Ejusdem generis (of the same kind): General terms, when used in conjunction with specific terms in a statute, are interpreted to include only those things that are similar in nature to the specific terms.
- Expressio unius est exclusion alterius (expression of one is the exclusion of the other): When one thing is specifically expressed in a statute, there is an inference that the Legislature intended to exclude others that are omitted from the statute.
- Statutes must be construed to give meaning to all language used in the statute. The Legislature is presumed to not include unnecessary language in legislation.
- Intent or purpose language in a statute can aid in the court's interpretation of the statute, but has no operative effect and cannot override unambiguous language.
- Separate statutes must be read together, when possible, to achieve a harmonious statutory scheme. It is assumed that the Legislature does not intend to create inconsistency.

- In pari materia (on the same subject): Statutes that relate to the same subject must be read together as constituting a unified whole.
- If statutes are in conflict, the more specific statute will prevail over the general statute unless there is legislative intent for the general statute to control.
- If statutes are in conflict, the later statute prevails over the earlier statute, unless the earlier statute is clearer and more explicit.
- The Legislature does not engage in unnecessary or meaningless acts. Every enactment is presumed to have a significant purpose.
- A material change in the language of the law is presumed to reflect a change in legislative purpose and an intent to have a real and substantial effect.
- Statutes are construed to avoid absurd results.
- Repeal or amendment of a statute by implication is not favored and the provisions will be harmonized where possible.
- The Legislature is presumed to know of judicial interpretation of statutes. Failure to amend a statute after judicial interpretation indicates legislative approval of the interpretation.
- Statutes are presumed to have prospective application. However, amendments will be applied retroactively if they are curative and remedial.
- Statutes are presumed constitutional and the party challenging the enactment bears the burden of proving unconstitutionality.
- Statutes that deviate from the common law are strictly construed.
- An agency interpretation of an ambiguous statute is given great weight where the agency is charged with implementing the statute and the statute concerns matters within the agency's expertise.
- The court may resort to legislative history as an aid to determining the purpose of an ambiguous enactment. Legislative history may include: legislative history of prior and related acts; bill reports, other legislative reports and staff memorandum; sequential drafts of legislation; Senate and House Journal materials; colloquies and other comments of sponsors and legislators; and Governor veto messages.
- The Legislature is presumed to know the rules of statutory construction.