



Lynn Fitch
ATTORNEY GENERAL
OPINIONS AND POLICY

February 28, 2024

Jeffrey B. Belk, Chairman
Parole Board, State of Mississippi
660 North Street, Suite 100A
Jackson, Mississippi 39202

Re: Commission of Misdemeanor While on Parole

Dear Chairman Belk:

The Office of the Attorney General has received your request for an official opinion.

Question Presented

Is the commission of a new crime, specifically a misdemeanor, considered a technical violation for the purposes of parole revocation?

Brief Response

Mississippi Code Annotated Section 47-7-2(q) defines a “technical violation” as “an act or omission by the probationer that violates a condition or conditions of probation placed on the probationer by the court or the probation officer.”¹ Whether the commission of a new misdemeanor crime fits within this definition is dependent upon the parolee’s conditions of parole and is a determination of fact to be made by the parole board.

Applicable Law and Discussion

Section 47-7-27(6)(a) provides:

The board shall hold a hearing for any parolee who is detained as a result of a warrant or a violation report within twenty-one (21) days of the parolee’s admission to detention. The board may, in its discretion, terminate the parole or modify the

¹ Chapter 7 of Title 47 of the Code is entitled “Probation and Parole,” and the definitions provided in Section 47-7-2 apply to the chapter as a whole. *See also Walker v. State*, 230 So. 3d 703 (Miss. 2017) (referencing definition set forth in Section 47-7-2(q) in relation to parole revocation).

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terms and conditions thereof. If the board revokes parole for one or more *technical violations* the board shall impose a period of imprisonment to be served in a technical violation center operated by the department not to exceed ninety (90) days for the first revocation and not to exceed one hundred twenty (120) days for the second revocation. For the third revocation, the board may impose a period of imprisonment to be served in a technical violation center for up to one hundred and eighty (180) days or the board may impose the remainder of the suspended portion of the sentence. For the fourth and any subsequent revocation, the board may impose up to the remainder of the suspended portion of the sentence. The period of imprisonment in a technical violation center imposed under this section shall not be reduced in any manner.

(emphasis added). You ask if the commission of a new crime, specifically a misdemeanor, is considered a technical violation for the purposes of parole revocation. Section 47-7-2(q) defines a “technical violation” as “an act or omission by the probationer that violates a condition or conditions of probation placed on the probationer by the court or the probation officer.” Whether the commission of a new misdemeanor crime fits within this definition is dependent upon the parolee’s conditions of parole and is a determination of fact to be made by the parole board.

If this office may be of any further assistance to you, please do not hesitate to contact us.

Sincerely,

LYNN FITCH, ATTORNEY GENERAL

By: /s/ Maggie Kate Bobo

Maggie Kate Bobo
Special Assistant Attorney General