



**THE ATTORNEY GENERAL
OF TEXAS**

AUSTIN, TEXAS 78711

**JOHN L. BILL
ATTORNEY GENERAL**

March 5, 1975

The Honorable Alton R. Griffin
Criminal District Attorney
Lubbock County Courthouse
Lubbock, Texas 79401

Opinion No. H- 546

Re: Inclusion of persons who
are seventeen years of age
in the composition of the jury
wheel.

Dear Mr. Griffin:

You have requested our opinion concerning whether persons on the voter registration list of a county who are 17 years of age should be placed on the jury wheel pursuant to article 2094, V. T. C. S.

Article 2094 provides:

Between the first and fifteenth days of August of each year, in each county in this State, the tax collector, sheriff, county clerk, and district clerk of the county, each in person or represented by one of his deputies, shall meet at the county courthouse and reconstitute the jury wheel, using as the sole and mandatory source, all names on the voter registration lists from all precincts in the county.

The voter registration lists of each county are therefore the "sole and mandatory source" of the jury wheel, and the wheel is to be reconstituted each year. Shelby v. State, 479 S. W. 2d 31 (Tex. Crim. 1972); Attorney General Opinions M-911, M-903 (1971). Article 5.10a(2), Election Code, allows persons to register who will be 18 years of age or older within 30 days after applying for registration. Under article 2133, V. T. C. S., persons 18 years of age or older are qualified jurors.

Attorney General Opinion H-82 (1973) dealt with the similar situation of persons on the voter registration lists who, due to age, would be ineligible as jurors until the effective date of article 5923b, V. T. C. S. We stated therein:

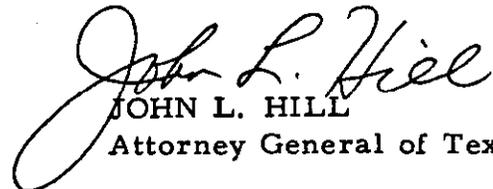
[T]he names of all registered voters . . . should be included in reconstituting the jury wheel . . . If called to serve before [they become eligible], [they] should be excused from jury duty.

This principle being equally applicable in this instance, it is our opinion that persons on the voter registration lists who are not yet 18 years of age are to be placed on the jury wheel. If they are called before they reach 18 years of age, they should be excused from jury duty.

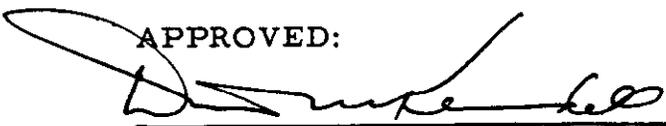
SUMMARY

Names of persons on the voter registration lists who are not yet 18 years of age are to be placed on the jury wheel. If they are called before they reach 18 years of age, they should be excused from jury duty.

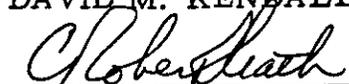
Very truly yours,


JOHN L. HILL
Attorney General of Texas

APPROVED:



DAVID M. KENDALL, First Assistant



C. ROBERT HEATH, Chairman
Opinion Committee

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