



WILLIAM J. SCOTT
ATTORNEY GENERAL
STATE OF ILLINOIS
SPRINGFIELD

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FILE NO. S-381

JURORS AND JURY:
Eighteen year olds as jurors

Honorable Lawrence E. Johnson
State's Attorney of Champaign County
Court House
Urbana, Illinois 61801

Dear Mr. Johnson:

I have your recent letter wherein you state:

"I am writing at the request of the County Clerk to inquire about the eligibility of 18 year old persons for jury service. Since the amendment to the Constitution has now been ratified granting voting privileges to 18 year olds may those persons between the ages of 18 and 21 serve as jurors.

An early response to this question would be greatly appreciated since a new jury list is to be prepared this fall."

Section 1 of "An Act concerning jurors, and to repeal certain acts therein named" (Ill. Rev. Stats. 1969, ch. 78, par. 1), provides as follows:

"The county board of each county, except those counties which have jury commissioners as provided in 'An Act in relation to jury commissioners and authorizing judges to appoint such jury commissioners and to make rules concerning their powers and duties', approved June 15, 1887, as amended, shall, at or before the time of its meeting, in September, in each year, or at any time thereafter, when necessary for the purpose of this Act, make a list of sufficient number, not less than one-tenth of the legal voters of each town or precinct in the county, giving the place of residence of each name on the list, to be known as a jury list. The list shall be made by choosing every tenth name, or other whole number rate necessary to obtain the number required, from the latest voter registration lists of all the towns or precincts in the county. The lists of the several towns or precincts shall be arranged alphabetically or numerically, as the case may be, and the count of names shall run continuously rather than starting over with each town or precinct."

It can be observed from the foregoing statutory provision that the jury list is chosen from the latest voter registration lists of all the towns or precincts in the county. The 26th Amendment to the United States Constitution provides:

"The right of citizens of the United States, who are eighteen years of age or older, to vote

shall not be denied or abridged by the United States or by any State on account of age.

The Congress shall have power to enforce this article by appropriate legislation.

* * * "

Since persons of the age of 18 and over are now legal voters, necessarily the names of such persons will be on the registration list and therefore will be on the jury lists.

It is true that Section 2 of "An Act concerning jurors and to repeal certain acts therein named" (Ill. Rev. Stat., ch. 78, par. 2) states that one qualification required of a petit juror is that he be of the age of 21 years or upwards and Section 9 of the aforesaid Act requires grand jurors also to be of the age of 21 years or upwards. It appears, however, that the age of 21 years requirement of "An Act concerning jurors et al" is one more of description rather than absolute requirement. Consequently, I am of the opinion that persons of the age of 18 years or upwards may serve as jurors. The names of such persons should therefore be on the registration list and jury lists.

Very truly yours,

A T T O R N E Y G E N E R A L