



Office of the Attorney General  
State of Texas

DAN MORALES  
ATTORNEY GENERAL

January 21, 1994

Honorable Albert G. Valadez  
District Attorney  
83rd Judicial District of Texas  
P.O. Box 639  
Fort Stockton, Texas 79735

Letter Opinion No. 94-003

Re: Grand jury terms in the 83rd District  
Court, Brewster County (ID# 22243)

Dear Mr. Valadez:

You have requested our opinion regarding the number of annual grand jury terms in Brewster County. Prior to 1991, section 24.185 of the Government Code provided, in relevant part:

(c) The terms of the 83rd District Court begin:

(1) in Brewster County on the sixth Monday after the first Mondays in January and July.

Under this provision, it is undisputed that there were two grand jury terms each year in Brewster County. In 1991, the legislature amended the statute to read:

(c) The terms of the 83rd District Court begin:

(1) in Brewster County on the fourth and 11th Mondays after the first Mondays in January and July. . .

House Bill 2719, Acts 1991, 72d Leg., ch. 509, § 1. You indicate that the amended provision "can be interpreted as creating either four or two terms." Under the "two term" construction, the first term would commence on January 31--the fourth Monday after the first Monday in January; the second term would begin on September 19--the eleventh Monday after the first Monday in July. This interpretation is apparently supported by language in the bill analysis which states:

Section 1. This section amends Section 24.185(c), altering the terms of the 83rd District Court in Brewster County. By this Act, there would be two terms, beginning on the fourth and 11th Mondays after the first Mondays in January and July.

The plain language of the amended provision creates *four* grand jury terms in every calendar year: The first term begins on the fourth Monday after the first Monday in January--for 1994, the date is January 31; the second begins on the eleventh Monday after the first Monday in January--for 1994, the date is March 21; the third begins on the fourth Monday after the first Monday in July--for 1994, the date is August 1; the fourth begins on the eleventh Monday after the first Monday in July--for 1994, the date is September 19.

This construction is supported by other provisions of the bill analysis accompanying House Bill 2719. The "background" information states:

Because of the sparse population, the present grand jury system works an extreme hardship on many of its citizens. The method of selecting grand juries for six months, and the necessity for increased meetings of that body are requiring some citizens to miss work and drive excessive distances in order to perform their civic duty. It is felt that if the length of time of the grand jury's term were decreased, there would be less of an economic hardship on the individual citizen.

The declared "purpose" of House Bill 2719 is "to decrease the length of the grand jury's term." The "two term" construction noted, *supra*, would actually *lengthen* the term of the year's first grand jury from six months to almost eight months. In our opinion, the legislature intended in House Bill 2719 to *decrease* the length of grand jury terms in Brewster County by *increasing* the number of terms from two to four.

### S U M M A R Y

Pursuant to the provisions of subdivision (1), subsection (c) of section 24.185 of the Government Code, Brewster County has four annual grand jury terms. Those terms will commence for calendar year 1994 on January 31, March 21, August 1, and September 19.

Yours very truly,



Rick Gilpin  
Assistant Attorney General  
Opinion Committee