

**Opinion No. 71-126**

December 30, 1971

**BY:** OPINION OF DAVID L. NORVELL, Attorney General

**TO:** Honorable Raymond G. Sanchez New Mexico State Representative 7622 Rio Grande Blvd., N.W. Albuquerque, New Mexico 87107

**QUESTIONS**

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Must an applicant for admission to the New Mexico Law Enforcement Academy be twenty-one (21) years of age?

CONCLUSION

No.

**OPINION**

{\*197} **ANALYSIS**

Section 39-6-8, N.M.S.A., 1953 Comp. (1971 P.S.) states in pertinent part:

"The director [of the New Mexico Law Enforcement Academy] shall determine that all applicants for admission to the academy:

A. are citizens of the United States, and at least twenty-one [21] years of age; . . . ."

This past legislative session, however, adopted Chapter 213, N.M. Laws, 1971, [Section 13-13-1, N.M.S.A., 1953 Comp. (1971 P.S.)] which stated in its pertinent part:

"A. . . .

(2) any law conferring any right or privilege, or imposing any duty or obligation upon any person who has reached his twenty-first birthday shall apply to any person who has reached his eighteenth birthday;

(3) any law which denies any right or privilege to persons who have not reached their twenty-first birthday shall apply only to persons who have not reached their eighteenth birthday; and

. . . .

B. It is the intent of the legislature that this general law shall control over any conflicting prior special law . . . ."

In the Opinion of the Attorney General No. 71-89, dated July 19, 1971, it was held that the Age of Majority Act (Chapter 213, **supra**) does not violate either the state or the federal constitution. Consequently, it is our opinion that one who has reached his eighteenth birthday is entitled to apply for, and be admitted to the New Mexico Law Enforcement Academy, provided he meets the other requirements specified in Section 39-6-8, N.M.S.A., **supra**.

By: James B. Mulcock, Jr.

Assistant Attorney General