

Opinion No. 15-1623

August 20, 1915

BY: FRANK W. CLANCY, Attorney General

TO: Hon. Trinidad C. De Baca. State Game & Fish Warden, Santa Fe, New Mexico.

As to when a person becomes twenty-one years of age.

OPINION

{*195} I have before me, by reference from your office, a letter from Mr. J. T. Adams of Alamosa, Colorado, in which he asks you to inform him what construction your office and mine place upon Section 47 of Chapter 101 of the Laws of 1915, which makes it unlawful for any person over twelve years of age to take any game fish from any public stream or water in the state without having a fishing license as in the act provided. Mr. Adams inclines to the view that this requirement would not extend to a boy who had passed his twelfth birthday but had not reached his thirteenth birthday, the idea being that the boy is twelve years of age until he is thirteen, and therefore would not be subjected to a license until he had reached his thirteenth birthday.

I am unable to agree with the suggestion made by Mr. Adams unless he means to count among the boy's birthdays the day on which he was born so that his second birthday would come at the end of his first year of life. If we count in that way then it would only be on his thirteenth birthday that he would have completed twelve years of life. My view is that the boy who has lived twelve full years becomes over twelve years of age on the next day after the completion {*196} of his twelfth year. Our constitution, with some additional qualifications and some exceptions, makes "Every male citizen of the United States, who is over the age of twenty-one years" a qualified voter at all elections for public officers. A young man who had completed his twenty-first year the day before an election is held, would be qualified to vote and of this I think no one would have any doubt. Any different construction is unthinkable and this would be directly applicable to our statute about a person over twelve years of age.

I return Mr. Adams' letter herewith.