

REPORT
OF THE
AGE OF MAJORITY STUDY COMMISSION
To
THE GOVERNOR
And
THE GENERAL ASSEMBLY OF VIRGINIA



HD 11, 1972

COMMONWEALTH OF VIRGINIA
Department of Purchases and Supply
Richmond
1972

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Report of The
Age of Majority Study Commission
To
The Governor and The General Assembly of Virginia

Richmond, Virginia
December 30, 1971

TO: HONORABLE LINWOOD HOLTON, *Governor of Virginia*
and
THE GENERAL ASSEMBLY OF VIRGINIA

At the 1971 Session of the General Assembly, the United States Constitutional Amendment which lowered the voting age of all citizens to eighteen was ratified by Virginia. This move on the part of the Virginia legislature initiated new thinking concerning what is a legal majority. If the age of twenty-one had been used as the legal commencement for adulthood as reflected in the past voting laws, should the acceptance of the lower voting age be extended to all areas? Because of the need for study House Joint Resolution No. 99 was introduced and adopted.

HOUSE JOINT RESOLUTION NO. 99

Creating a commission to study the feasibility
and desirability of lowering the age of
majority to eighteen years.

Whereas, public sentiment appears to favor enfranchising all otherwise qualified persons over the age of eighteen years; and

Whereas, full participation in a democratic society gives rise to certain responsibilities as well as their concomitant rights; now, therefore, be it

Resolved by the House of Delegates, the Senate concurring, That a Commission is hereby created to study the desirability and feasibility of lowering the age of majority to eighteen years, and to develop recommendations with respect to legislative implementation of this concept to the end that all citizens of the Commonwealth may be treated equally. The Commission shall consist of eleven members, four of whom shall be appointed by the President of the Senate; five of whom shall be appointed by the Speaker of the House of Delegates; and two members to be appointed by the Governor. The Commission shall select its chairman. The Commission shall study all aspects of the problem. Members of the Commission shall receive no compensation for their services, but shall be reimbursed for the actual and necessary expenses incurred in the performance of their duties, for which, and for such professional and secretarial services as may be requisite, there is hereby appropriated from the contingent fund of the General Assembly the sum of five thousand dollars. The Commission shall complete its study and report to the Governor and the General Assembly no later than December one, nineteen hundred seventy-one.

Ford Quillen, Delegate from Gate City and Patron of this resolution, was elected Chairman. Senator William F. Stone of Martinsville was elected Vice-Chairman. Other members of the Commission were Senator Hunter B. Andrews of Hampton; Barry C. Bishop, a student at Old Dominion University; Duncan C. Gibb, Delegate from Front Royal; George Mason Green, Jr., Delegate from Arlington; Senator Joseph C. Hutcheson from Lawrenceville; Thomas W. Moss, Jr., Delegate from Norfolk; Senator William F. Parkerson, Jr., from Richmond; W. Jackson Shepherd, a businessman from Roanoke; and Mrs. Eleanor P. Sheppard, Delegate from Richmond.

The Virginia Advisory Legislative Council and the Division of Statutory Research and Drafting made staff and facilities available to carry out this study; Arthur H. Horwitz was assigned to assist the members of the Commission at all times.

The Commission met for the first time in September, 1971, to consider the far reaching ramifications of lowering the legal majority in the Commonwealth to eighteen: all the changes in the law which would be necessitated and their effects. At subsequent meetings, the Commission discussed the possible courses they could follow. It was decided to hold a public hearing in November, to which the study group invited thirty guests who were experts in fields which would be affected if the age of majority were lowered as well as the general public.

The public hearing proved most successful and informative. Those invited who could not attend forwarded written statements; the other guests appeared and offered their expertise.

At the conclusion of the public hearing, the Commission met to consider their action. After long deliberation, the Commission makes the following recommendations:

RECOMMENDATIONS:

- I. We recommend in general the lowering of the legal majority from twenty-one to eighteen in all areas except two:
 - A. Jurisdiction of juvenile in custody of the Department of Welfare and Institutions.
 - B. Relinquishment of Guardians in Trusts and Estates.
- II. We recommend that the Department of Welfare and Institutions retain jurisdiction of a juvenile adjudicated in the juvenile court system until he reaches age twenty-one.
- III. We recommend the creation of a commission to study the desirability of allowing an eighteen-year-old to receive the corpus of his estate or trust without a guardian or trustee's supervision. We do not recommend any change in the existing law at this time. The present law requires that there must be a guardian or trustee until the owner of the estate or trust reaches his twenty-first birthday. This commission should have at least one member between the age of eighteen and twenty-one.

HISTORY OF RECOMMENDATIONS

I. The Commission had to consider why the age of twenty-one years had been chosen to represent the termination of "legal youth" and the beginning of "legal adulthood." Although the Commission members expressed a variety of opinions, it was the consensus that 21 represented an arbitrary age based on historical precedence dating back from early Greece. There was no specific scientific reason involved, but rather a traditional adoption of the common law age.

In promulgating the first recommendation, the Commission took into account the fact that individuals between the age of 18 and 21 have recently been granted the right to the franchise, certainly one of the basic rights of any citizen. It is basically a recognition that the newly franchised citizens should have the right to make their own decisions and be treated as equal citizens of the Commonwealth. The recommendation represents acceptance of the premise set forth in Joint House Resolution 91 that "full participation in a democratic society gives rise to certain responsibilities as well as their concomitant rights."

The Commission accepted for the most part the argument that by eliminating the delay in the decision-making process it would give these citizens between the age of 18 and 21 the opportunity to exercise responsibility. It was the consensus of the members that this expectation of responsibility might in the end prove beneficial.

Speakers at the public hearing, representing a wide diversity of interests and expertise, offered both written and oral opinions in citing a variety of reasons for lowering the age of majority in the above mentioned categories. The effect of mass media and their tendency to expose an individual to a myriad of situations was alluded to, as was the widely held feeling that education greatly increases the awareness of an individual.

According to James Whyte, Dean of the William and Mary Law School, the 18-21 group is far superior in educational experiences than any previous generation. Dean Whyte, in advocating a change in the legal majority from 21 to

18, further stated that "the quality of present day education is such that present high school graduates are far better prepared to exercise social and legal responsibility than in generations past." The Commission generally accepted the premise that by the virtue of the greater intellectual stability, maturity and general awareness of the 18-21 year olds that age group is fully capable of functioning as adults in today's society.

With respect to the general area of consent, the majority of the members accepted the views offered by State health officials that lowering the legal age with regard to abortion and voluntary admission to a hospital would be a progressive move. It was noted that such a move would retain the same safeguards and procedures now in effect and would remedy many of the contradictions and inconsistencies presently in existence.

In recommending a lowering of the age of majority with respect to contract rights and account rights, it was the Commission's feeling that those citizens between the age of 18 and 21 are fully capable of conducting their own business affairs.

In reference to the area of professions, it was the consensus of opinion that even though very few individuals would be affected by lowering the age minimum to 18 in order to be licensed, the Commission could see no reason why the legal age minimum should not be lowered to 18.

In recommending a lowering of the age of majority for punishable offenses, it was the Commission's feeling that with the granting of certain rights there should also be the acceptance of certain responsibilities.

In the second recommendation of the Commission, we adhered to the recommendations of Otis Brown, Director of the Department of Welfare and Institutions, that the Department of Welfare and Institutions retain jurisdiction of a juvenile adjudicated in the juvenile court system until he reaches age twenty-one so that he can complete the youth services program. This program assists a youth in preparing to assume a constructive role in society by job training and other forms of rehabilitation.

With regard to the Commission's third recommendation to create a Commission to study the desirability of allowing an 18-year-old to receive the corpus of his estate or trust without a guardian's or trustee's supervision, it was the majority opinion not to offer any change. This was due to the confusion surrounding the areas of trusts and estates, the limited amount of time to investigate it thoroughly and the potential ramification of such a change in this area. The members did not feel that, based on information available to them, they could render a final judgment in this area. In addition, the Commission recommended that at least one of the members on this new commission be between age eighteen and twenty-one.

IV CONCLUSION

The Commission's recommendations are representative of a growing trend toward lowering the age of majority, a trend initiated primarily as a result of the extensions of voting rights to minors. The legal age of majority has already been lowered to 18 in New Mexico, North Carolina, Vermont, Kentucky and Georgia, and legislation to that effect is pending in many states. The Commission's recommendations accept for the most part the argument that there is little if any difference in maturity between the 18-year-old and the 21-year-old.

They are a recognition of the changes in our social mores and institutions. Implementation of the Commission's recommendations would end the existing dichotomy that allows an individual not only to vote but also to become mayor

of a city, with control over the business affairs of thousands, yet does not allow that same individual the right to enter into a legal contract or manage many aspects of his own life. It is our consensus that an 18-year-old can function capably as an adult in today's modern society.

STATEMENTS

1. I am in agreement with the recommendations of this report except in lowering the age of majority for purchasing alcoholic beverages either at a State Store or restaurant (mixed beverage).

Signed: _____
Mrs. Eleanor P. Sheppard

2. I am in agreement with the recommendations of this report except in lowering the age of majority for purchasing alcoholic beverages either at a State Store or restaurant (mixed beverage) and with lowering the age in reference to serving as a grand or petit juror.

Signed: _____
William F. Parkerson, Jr.

Signed: _____
George Mason Green, Jr.

3. I am in agreement with the recommendations of this report except in not lowering the age of majority in the field of trusts and estates.

Signed: _____
Barry C. Bishop

Signed: _____
Ford C. Quillen

4. For the most part, I agree with the recommendations contained in the majority report. The majority, in order to sustain some of its more revolutionary changes in our basic law, relies heavily on the testimony of James Whyte, Dean of William and Mary Law School, to the effect that the present 18-21 year age group are far superior in educational experiences than any previous generation and therefore they are better prepared to exercise social and legal responsibilities. I agree that the present 18-21 age group are better educated and certainly more sophisticated than past generations, but in my opinion, a large segment of the present 18-21 age group are not as mature as past generations. I believe this is due largely to the fact that a majority of these young people have never had to work to earn a living or experience the everyday hardships of life, and we all know experience and work make for more mature citizens. Moreover, most of the 18-21 year olds are still living at home and under parental support and care.

For the foregoing reasons, I dissent from the majority report in the following particulars:

1. I do not believe a young girl in the 18-21 age group who is usually living at home with her parents and being supported by them, should have the right to obtain an abortion without parental consent.

2. I am against lowering the majority age for purchasing alcoholic beverages either at a State Store or a restaurant (mixed beverages).

3. I am against lowering the age of majority with reference to serving either on a grand or petit jury.

Signed: _____
Wm. F. Stone

Respectfully submitted,

*FORD C. QUILLEN, *Chairman*

*WILLIAM F. STONE, *Vice-Chairman*

HUNTER B. ANDREWS

*BARRY C. BISHOP

DUNCAN C. GIBB

*GEORGE MASON GREEN, JR.

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*ELEANOR P. SHEPPARD

* Dissenting statements attached.

