

Constitutional Right to Hunt and Fish

SAFARI CLUB INTERNATIONAL

Sportsmen and women in many states are seeing increased encroachments to their hunting rights and are turning to state constitutions to ensure their outdoor heritage will continue for future generations. Increased urbanization, decreased habitat, and more restrictions on hunting are common factors in the pursuit to proclaim the right to hunt and fish in a state's constitution. Land that has been historically open to sportsmen and women, development of farmland and forests, along with pressure from other recreational groups such as hikers and bird watchers, have been restricting the available land for sportsmen and women to harvest game and fish.

Well-organized anti-hunting groups are attacking America's outdoor heritage in state legislatures. Limitations on methods, seasons, and bag limits for certain game species have provoked many hunter advocacy groups, including Safari Club International, to lobby to guarantee hunting and fishing as a right.

Current Constitutional Right to Hunt and Fish States

Twenty-one states guarantee the right to hunt and fish in their constitutions, with 17 of those approved by the voters. While Vermont's language dates back to 1777, the rest of these constitutional provisions—in Alabama, Arkansas, Georgia, Idaho, Indiana, Kansas, Kentucky, Louisiana, Mississippi, Minnesota, Montana, Nebraska, North Dakota, Oklahoma, South Carolina, Tennessee, Texas, Virginia, Wisconsin and Wyoming—have passed since 1996.

California and Rhode Island have language in their respective constitutions guaranteeing the right to fish, but not to hunt. Advocates also consider Alaska's constitutional language—"Wherever occurring in their natural state, fish, wildlife, and waters are reserved to the people for common use"—as meeting the test because of its strong case law history.

2016 Update

- Voters in Indiana and Kansas approved ballot initiatives amending their respective state constitution to include the right to hunt and fish this Election Day.
- Nevada passed language to amend its constitution to include the right to hunt and fish in 2015, but the language will not be effective until passed by the 2017 Legislature and approved by voters at the 2018 General Election.
- Colorado, Iowa, Maine, Missouri, North Carolina, West Virginia introduced legislation on this issue in 2016, but did not pass.



