

STATE RIGHT-TO-HUNT AND RIGHT-TO-FISH CONSTITUTIONAL PROVISIONS

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<i>State</i>	<i>Date of Adoption</i>	<i>Constitutional Right-to-Hunt Provision</i>
AL	1996	Ala. Const., amend. 597: All persons shall have the right to hunt and fish in this state in accordance with law and regulations.
AK	1956	Alaska art., VIII, §3: Wherever occurring in their natural state, fish, wildlife, and waters are reserved to the people for common use.
AR	2010	<p>Ark. Const., amend. 88:</p> <p>(a) (1) Citizens of the State of Arkansas have a right to hunt, fish, trap, and harvest wildlife.</p> <p>(2) The right to hunt, fish, trap, and harvest wildlife shall be subject only to regulations that promote sound wildlife conservation and management and are consistent with Amendment 35 of the Arkansas Constitution.</p> <p>(b) Public hunting, fishing, and trapping shall be a preferred means of managing and controlling nonthreatened species and citizens may use traditional methods for harvesting wildlife.</p> <p>(c) Nothing in this amendment shall be construed to alter, repeal, or modify:</p> <p>(1) Any provision of Amendment 35 to the Arkansas Constitution;</p> <p>(2) Any common law or statute relating to trespass, private property rights, eminent domain, public ownership of property, or any law concerning firearms unrelated to hunting; or</p> <p>(3) The sovereign immunity of the State of Arkansas.</p>
GA	2006	Ga. Const. art.I. §1 Para. XXVIII: Fishing and hunting. The tradition of fishing and hunting and the taking of fish and wildlife shall be preserved for the people and shall be managed by law and regulation for the public good.

ID	2012	Idaho. Const. art.I, §1: The rights to hunt, fish and trap, including by the use of traditional methods, are a valued part of the heritage of the State of Idaho and shall forever be preserved for the people and managed through the laws, rules and proclamations that preserve the future of hunting, fishing and trapping. Public hunting, fishing and trapping of wildlife shall be a preferred means of managing wildlife. The rights set forth herein do not create a right to trespass on private property, shall not affect rights to divert, appropriate and use water, or establish any minimum amount of water in any water body, shall not lead to a diminution of other private rights, and shall not prevent the suspension or revocation, pursuant to statute enacted by the Legislature, of an individual’s hunting, fishing or trapping license.
IN	2016	Ind. Const. art. I, §39: (a) The right to hunt, fish, and harvest wildlife: (1) is a valued part of Indiana's heritage; and (2) shall be forever preserved for the public good (b) The people have a right, which includes the right to use traditional methods, to hunt, fish, and harvest wildlife, subject only to the laws prescribed by the General Assembly and rules prescribed by virtue of the authority of the General Assembly to: (1) promote wildlife conservation and management; and (2) preserve the future of hunting and fishing. (c) Hunting and fishing shall be a preferred means of managing and controlling wildlife. (d) This section shall not be construed to limit the application of any provision of law relating to trespass or property rights.
KS	2016	Kan. Const. art. I, §21: Right of public to hunt, fish and trap wildlife. The people have the right to hunt, fish and trap, including by the use of traditional methods, subject to reasonable laws and regulations that promote wildlife conservation and management and that preserve the future of hunting and fishing. Public hunting and fishing shall be a preferred means of managing and controlling wildlife. This section shall not be construed to modify any provision of law relating to trespass, property rights or water resources.
KY	2012	Ky. Const. §255A: Personal right to hunt, fish, and harvest wildlife - Limitations. The citizens of Kentucky have the personal right to hunt, fish, and harvest wildlife, using traditional methods, subject only to statutes enacted by the Legislature, and to administrative regulations adopted by the designated state agency to promote wildlife conservation and management and to preserve the future of hunting and fishing. Public hunting and fishing shall be a preferred means of managing and controlling wildlife. This section shall not be construed to modify any provision of law relating to trespass, property rights, or the regulation of commercial activities.

LA	2004	La. Const. art. I, §27: The freedom to hunt, fish, and trap wildlife, including all aquatic life, traditionally taken by hunters, trappers and anglers, is a valued natural heritage that shall be forever preserved for the people. Hunting, fishing and trapping shall be managed by law and regulation consistent with Article IX, Section I of the Constitution of Louisiana to protect, conserve and replenish the natural resources of the state. The provisions of this Section shall not alter the burden of proof requirements otherwise established by law for any challenge to a law or regulation pertaining to hunting, fishing or trapping the wildlife of the state, including all aquatic life. Nothing contained herein shall be construed to authorize the use of private property to hunt, fish, or trap without the consent of the owner of the property.
MS	2014	Miss. Const. art. III, §12A: the people have the right to hunt, fish and harvest wildlife, including by the use of traditional methods, subject only to laws and regulations that promote wildlife conservation and management and that preserve the future of hunting and fishing, as the Legislature may prescribe by general law. Public hunting and fishing shall be a preferred means of managing and controlling wildlife. This section may not be construed to modify any provision of law relating to trespass, property rights, the regulation of commercial activities or the maintenance of levees pursuant to Article 11.
MN	1998	Minn. Const. art. XIII, §12: Hunting and fishing and the taking of game and fish are a valued part of our heritage that shall be forever preserved for the people and shall be managed by law and regulation for the public good.
MT	2004	Mont. Const. art. IX, §7: The opportunity to harvest wild fish and wild game animals is a heritage that shall forever be preserved to the individual citizens of the state and does not create a right to trespass on private property or diminution of other private rights.
NC	2018	N.C. Const. art. I, §38: The right of the people to hunt, fish, and harvest wildlife is a valued part of the State's heritage and shall be forever preserved for the public good. The people have a right, including the right to use traditional methods, to hunt, fish, and harvest wildlife, subject only to laws enacted by the General Assembly and rules adopted pursuant to authority granted by the General Assembly to (i) promote wildlife conservation and management and (ii) preserve the future of hunting and fishing. Public hunting and fishing shall be a preferred means of managing and controlling wildlife. Nothing herein shall be construed to modify any provision of law relating to trespass, property rights, or eminent domain.
ND	2000	N.D. Const. art. XI, §27: Hunting, trapping, and fishing and the taking of game and fish are a valued part of our heritage and will be forever preserved for the people and managed by law and regulation for the public good.
NE	2012	Neb. Const. art. XV-25: The citizens of Nebraska have the right to hunt, to fish, and to harvest wildlife, including by the use of traditional methods, subject only to laws, rules, and regulations regarding participation and that promote wildlife conservation and management and that preserve the future of hunting, fishing, and harvesting of wildlife. Public hunting, fishing, and harvesting of wildlife shall be a preferred means of managing and controlling wildlife. This section shall not be construed to modify any provision of law relating to trespass or property rights. This section shall not be construed to modify any provision of law relating to Article XV, section 4, Article XV, section 5, Article XV, section 6, or Article XV, section 7, of this constitution.

OK	2008	Okla. Const. art. II, §36: Right to hunt, fish, trap and harvest game and fish. All citizens of this state shall have a right to hunt, fish, trap, and harvest game and fish, subject only to reasonable regulation as prescribed by the Legislature and the Wildlife Conservation Commission. The Wildlife Conservation Commission shall have the power and authority to approve methods, practices and procedures for hunting, trapping, fishing and the taking of game and fish. Traditional methods, practices and procedures shall be allowed for taking game and fish that are not identified as threatened by law or by the Commission. Hunting, fishing, and trapping shall be the preferred means of managing game and fish that are not identified as threatened by law or by the Commission. Nothing in this section shall be construed to modify any provision of common law or statutes relating to trespass, eminent domain, or any other property rights.
SC	2010	S.C. Const. art. I, §25: Hunting and fishing. The traditions of hunting and fishing are valuable parts of the state’s heritage, important for conservation, and a protected means of managing nonthreatened wildlife. The citizens of this State have the right to hunt, fish, and harvest wildlife traditionally pursued, subject to laws and regulations promoting sound wildlife conservation and management as prescribed by the General Assembly. Nothing in this section shall be construed to abrogate any private property rights, existing state laws or regulations, or the state’s sovereignty over its natural resources.
TN	2010	Tenn. Const. art. XI, §13: The General Assembly shall have the power to enact laws for the protection and preservation of game and fish, within the state, and such laws may be enacted for and applied and enforced in particular counties or geographical districts, designated by the General Assembly. The citizens of this state shall have the personal right to hunt and fish, subject to reasonable regulations and restrictions prescribed by law. The recognition of this right does not abrogate any private or public property rights, nor does it limit the state's power to regulate commercial activity. Traditional manners and means may be used to take non-threatened species.
TX	2015	<p>Tex. Const. art. I, §34:</p> <ul style="list-style-type: none"> (a) The people have the right to hunt, fish, and harvest wildlife, including by the use of traditional methods, subject to laws or regulations to conserve and manage wildlife and preserve the future of hunting and fishing. (b) Hunting and fishing are preferred methods of managing and controlling wildlife. (c) This section does not affect any provision of law relating to trespass, property rights, or eminent domain. (d) This section does not affect the power of the legislature to authorize a municipality to regulate the discharge of a weapon in a populated area in the interest of public safety.

UT	2020	Utah. Const. art. I, §30: The individual right of the people to hunt and to fish is a valued part of the State's heritage and shall be forever preserved for the public good.(2) The right under Subsection (1) includes the right to use traditional methods to hunt and to fish, subject only to statute, and rules and regulations adopted as provided by statute, to: (a)promote wildlife conservation and management; (b) provide reasonable regulation of hunting and fishing activities; and (c) preserve the future of hunting and fishing. (3) Public hunting and fishing shall be the preferred means of managing and controlling wildlife. (4) This section does not affect: (a) the law relating to trespass or property rights; (b) the State's sovereign authority over the State's natural resources; or (c) the State's obligation to manage lands granted to the State under the Enabling Act.
VA	2000	Va. Const. art. XI, §4: The people have a right to hunt, fish, and harvest game, subject to such regulations and restrictions as the General Assembly may prescribe by general law.
VT	1777	Vt. Const. ch. II, §67: The inhabitants of this State shall have liberty in seasonable times, to hunt and fowl on the lands they hold, and on other lands not inclosed, and in like manner to fish in all boatable and other waters (not private property) under proper regulations, to be made and provided by the General Assembly.
WI	2003	Wis. Const. art. I, §26: The people have the right to fish, hunt, trap, and take game subject only to reasonable restrictions as prescribed by law.
WY	2012	Wy. Const. art. I, §39: The opportunity to fish, hunt and trap wildlife is a heritage that shall forever be preserved to the individual citizens of the state, subject to regulation as prescribed by law, and does not create a right to trespass on private property, diminish other private rights or alter the duty of the state to manage wildlife.

<i>State</i>	<i>Date of Adoption</i>	<i>Constitutional Right-to-Fish provision</i>
CA	1910	<p>Cal. Const. art. I, §32 The people shall have the right to fish upon and from the public lands of the State and in the waters thereof, excepting upon lands set aside for fish hatcheries, and no land owned by the State shall ever be sold or transferred without reserving in the people the absolute right to fish thereupon; and no law shall ever be passed making it a crime for the people to enter upon the public lands within this State for the purpose of fishing in any water containing fish that have been planted therein by the State; provided, that the legislature may by statute, provide for the season when and the conditions under which the different species of fish may be taken.</p>
RI	1843	<p>R.I. Const. art I, §17: The people shall continue to enjoy and freely exercise all the rights of fishery, and the privileges of the shore, to which they have been heretofore entitled under the charter and usages of this state, including but not limited to fishing from the shore, the gathering of seaweed, leaving the shore to swim in the sea and passage along the shore; and they shall be secure in their rights to the use and enjoyment of the natural resources of the state with due regard for the preservation of their values; and it shall be the duty of the general assembly to provide for the conservation of the air, land, water, plant, animal, mineral and other natural resources of the state, and to adopt all means necessary and proper by law to protect the natural environment of the people of the state by providing adequate resource planning for the control and regulation of the use of the natural resources of the state and for the preservation, regeneration and restoration of the natural environment of the state.</p>