

September 30, 2026

I am an adjunct professor of law at the University of Colorado School of Law, specializing in animal, agricultural, and environmental law, and I've been asked to examine the potential legal ramifications of enacting Amendment 83, an amendment to establish a constitutional right to hunt in Colorado.

If adopted, [Amendment 83](#) would establish a constitutional right in Colorado's Constitution to hunt and fish "by traditional methods," and declare hunting and fishing "as the preferred means of managing fish and wildlife populations" by Colorado wildlife agencies. The right would apply even to non-resident visitors who represent about a third of those who obtain licenses to hunt in Colorado.

By elevating the right to hunt to the exalted level of a *constitutional* right, and not just a statutory right (as already exists in Colorado for many game species), Amendment 83 threatens to shut down the deliberative democratic process with regard to hunting at a time when Coloradans are deeply engaged in an exchange of ideas over how to best manage wildlife in a state that reveres its natural resources.

But that is precisely why pro-hunting groups organized to put Amendment 83 on the ballot in the first place.

The views of Coloradans toward certain methods of hunting have been shifting over the past several decades in favor of granting greater consideration to the interests and welfare of animals. Amendment 83 seeks to halt this progress by making it much more difficult for Colorado citizens to decide whether reforms are needed to align hunting practices with current social values. Instead, the amendment seeks to shield "traditional methods" of hunting from reforms that majorities of Coloradans support.

To understand how Amendment 83 threatens to quash the debate over the ethics and humaneness of certain hunting practices, it's instructive to take a look back at how Coloradans have chosen in recent years to reform several hunting practices to better reflect their changing attitudes towards wildlife.

In 1992, Coloradans voted by a wide margin to prohibit spring bear hunting and the use of bait or dogs to hunt black bears. In 1996, Coloradans narrowly voted to amend the Colorado Constitution to prohibit leghold traps, instant-kill body-gripping traps, poisons, and snares, subject to specified exceptions. In 2020, the Colorado Parks and Wildlife (CPW) Commission voted to ban wildlife killing contests. Later that year, voters narrowly approved an initiative to reintroduce grey wolves to the western Colorado landscape. And just three months ago, the CPW Commission voted to impose a bag limit of two per day for the take of 17 furbearing species, such as beavers, badgers, and bobcats.

Not every attempt to reform hunting practices in Colorado has won approval by the voters. In 2024, voters rejected Proposition 127, a ballot initiative to ban the trophy hunting of mountain lions, lynx, and bobcats in Colorado.

The important takeaway is that each of these decisions, including the failed ballot initiative to protect mountain lions, lynx and bobcats, resulted from a democratic process involving intense debate and an exchange of ideas, facts and arguments. Moreover, save for the 1996 ban on leghold traps, each decision sought to amend Colorado's Revised Statutes or Code or Regulations, which can be modified or updated as needed through the regular legislative, administrative and/or electoral process to respond to changing conditions.

Finally, each decision was limited in scope and ripe for decision, meaning that the public was prepared to adopt a change on a specific practice, such as leghold traps, or reject it, as in the case of trophy hunting of mountain lions. None of the proposed reforms sought to impose a sweeping standard or a vaguely defined constitutional right with the potential to alter the entire regulatory landscape for hunting in Colorado.

In contrast, Amendment 83 declares an end to the debate across the board on all traditional hunting practices in Colorado. To underscore how far the amendment could reach, consider that none of the reforms mentioned above, even those adopted decades ago by large majorities of voters, likely would have survived a court challenge had Amendment 83 been on the books at the time they were enacted.

Moreover, it's not even clear whether reforms adopted decades ago by voters, such as the 1992 ban on spring bear hunting, will survive judicial scrutiny if Amendment 83 succeeds and creates a constitutional right to hunt by "traditional methods."

Arguably, the hunting of spring bears or the use of leghold traps did not become nontraditional on the day voters prohibited them. To the contrary, some of these practices, no matter how unfavorably they are viewed today, were used for generations, with steel-jawed traps serving as a hunting method of choice by trappers at the time that statehood was granted to Colorado in 1876.

Amendment 83 does preserve governmental authority to regulate hunting where a law is necessary for specified purposes, including sound scientific wildlife conservation and management and public safety. But are those exceptions sufficient to overcome the assertion that Colorado's voter-approved prohibitions are unconstitutional restrictions upon newly protected "traditional methods?"

No one can responsibly guarantee how a future court will answer that question. Indeed, Colorado's own official [Blue Book](#) acknowledges that Amendment 83 could lead to challenges to existing hunting regulations depending upon how courts interpret its language.

In short, Amendment 83 represents an attempt to undermine [deliberative democracy](#) by preventing voters, legislators, city councils, and even CPW, with its teams of professional wildlife biologists, from implementing hunting reforms. This is ironic considering the hunting lobby campaigned against Proposition 127, the ballot initiative to ban trophy hunting of mountain lions and bobcats in 2024, by [arguing](#) that wildlife management decisions should be left to CPW and wildlife biologists.

In sum, I see Amendment 83 as an attempt to turn back the clock on reforming hunting practices and hijack future wildlife management decisions from the people of Colorado.

The laws and rules we adopt in a democratic society reflect the evolving standards and values we hold as a citizenry. Enshrining traditional hunting practices in the form of a constitutional right not only contravenes Colorado's values, it ensures that multitudes of the wondrous, wild, and increasingly scarce animals we treasure in Colorado will be maimed and killed, often without mercy.

The views presented in this letter are my own and do not represent the views of the University of Colorado School of Law or the University of Colorado at large.

Respectfully submitted,

A handwritten signature in black ink, appearing to read 'Steve Silverman', with a long horizontal flourish extending to the right.

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