
HOUSE CONCURRENT RESOLUTION

CONVENING A WORKING GROUP TO DETERMINE ANY CIRCUMSTANCES UNDER WHICH GOVERNMENT ENTITIES SHOULD BE REIMBURSED FOR SEARCH AND RESCUE SERVICES ON LAND FOR TRAIL USERS AND WHAT CONSTITUTES PROPER PUBLIC NOTICE OF A TRAIL USER'S ILLEGAL PRESENCE ON LAND FOR PURPOSES OF IMPOSING PENALTIES FOR VIOLATIONS OF LAW.

1 WHEREAS, certain areas within the numerous hiking trails
2 available to the public throughout the State pose safety
3 concerns and consequently have been closed to the public; and
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5 WHEREAS, despite warnings, some individuals and groups
6 unlawfully enter trails that have been closed to the public due
7 to safety concerns, ultimately putting themselves at risk of
8 significant injury and risking damage to native habitats and
9 other natural resources that may be in those closed areas for
10 preservation purposes; and
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12 WHEREAS, those defying the law by entering into prohibited
13 areas not only put themselves at risk, but also create
14 potentially difficult and expensive rescue operations that put
15 their rescuers' safety and lives at risk; and
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17 WHEREAS, because of the considerable costs associated with
18 the search and rescue of individuals who willfully disregard
19 their and others' safety by ignoring warning signs, it is
20 critical to develop policies that encourage public safety and
21 accountability; now, therefore,
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23 BE IT RESOLVED by the House of Representatives of the
24 Thirty-first Legislature of the State of Hawaii, Regular Session
25 of 2022, the Senate concurring, that the Department of Land and
26 Natural Resources is requested to convene a working group to
27 determine any circumstances under which government entities



1 should be reimbursed for search and rescue services on land for
2 trail users and what constitutes proper public notice of a trail
3 user's illegal presence on land for purposes of imposing
4 penalties for violations of law; and
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6 BE IT FURTHER RESOLVED that the members of the working
7 group may include representatives from the following entities:
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- 9 (1) The Department of the Attorney General;
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- 11 (2) The Department of Land and Natural Resources;
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- 13 (3) The State Emergency Medical Services and Injury
14 Prevention System Branch of the Department of Health;
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- 16 (4) County fire departments;
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- 18 (5) County police departments;
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- 20 (6) County emergency medical services agencies;
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- 22 (7) County land management agencies;
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- 24 (8) County prosecuting attorney agencies;
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- 26 (9) A recreational hunting organization;
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- 28 (10) A recreational public trail user group;
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- 30 (11) A public trail access advocacy group; and
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- 32 (12) Other departments, agencies, and organizations as
33 deemed appropriate by the working group; and
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35 BE IT FURTHER RESOLVED that the working group is requested
36 to determine:
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- 38 (1) Whether trail users requiring search and rescue
39 services on land should be required to reimburse
40 government entities for all or a portion of any
41 necessary search and rescue expenses incurred and
42 under what circumstances, including but not limited to
43 whether the trail user's presence on a section of land
44 was illegal;



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- 2 (2) The feasibility and advisability of creating and
- 3 posting a list of legal hikes in the State, along with
- 4 maps and descriptions of those legal hikes, on an
- 5 appropriate county or state website;
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- 7 (3) Sufficient public notice requirements to inform the
- 8 public which sections of land in the State are legal
- 9 hiking areas and under what conditions and whether the
- 10 list of legal hikes described in paragraph (2), if
- 11 posted on the appropriate county or state website in
- 12 lieu of signage posted on the subject land, can
- 13 suffice as proper public notice of the illegality of a
- 14 trail user's presence on a section of land for
- 15 purposes of imposing penalties on the trail user for
- 16 any violations of law;
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- 18 (4) Other options for giving reasonable proper notice of
- 19 legal and illegal hikes; and
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- 21 (5) Other appropriate issues, concerns, and considerations
- 22 discussed by the working group; and
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24 BE IT FURTHER RESOLVED that based on its findings and

25 determinations, the working group is requested to make

26 recommendations and propose any legislation that may be

27 necessary to effectuate those recommendations; and

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29 BE IT FURTHER RESOLVED that the working group is requested

30 to submit its findings and recommendations, including any

31 proposed legislation, to the Legislature no later than twenty

32 days prior to the convening of the Regular Session of 2023; and

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34 BE IT FURTHER RESOLVED that certified copies of this

35 Concurrent Resolution be transmitted to the Acting Attorney

36 General; Chairperson of the Board of Land and Natural Resources;

37 Director of Health; the respective fire chiefs of the City and

38 County of Honolulu and the Counties of Hawaii, Kauai, and Maui;

39 the respective police chiefs of the City and County of Honolulu

40 and the Counties of Hawaii, Kauai, and Maui; the respective

41 emergency medical services chiefs of the City and County of

42 Honolulu and the Counties of Hawaii, Kauai, and Maui; the

43 respective directors of land management agencies of the City and

44 County of Honolulu and the Counties of Hawaii, Kauai, and Maui;



1 and the respective prosecuting attorneys for the City and County
2 of Honolulu and the Counties of Hawaii, Kauai, and Maui.
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