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# 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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