

JAN 21 2026

A BILL FOR AN ACT

RELATING TO SEARCH AND RESCUE.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF HAWAII:

1 SECTION 1. The legislature finds that Hawaii is an outdoor
2 playground world-renowned for its beautiful hikes through lush
3 green forests and mountains. Occasionally, hikers ignore posted
4 warning signs, intentionally leave a hiking trail, or enter
5 property that is closed to the public. When one of these hikers
6 needs to be rescued, it is government entities that bear the
7 costs associated with the search or rescue.

8 The legislature further finds that in response to having to
9 pay the cost of rescuing recreational hikers who take
10 unnecessary risks, several states, including Idaho, Maine, New
11 Hampshire, Oregon, South Dakota, and Vermont, have passed
12 legislation that allows the state to offset the costs associated
13 with the search or rescue by seeking reimbursement from the
14 rescued party.

15 Accordingly, the purpose of this Act is to:

16 (1) Establish the search and rescue special fund to be
17 administered by the department of land and natural resources;



- 1 (2) Require government entities to seek reimbursement for
- 2 all or a portion of search and rescue expenses for
- 3 persons who knowingly enter certain property or trails
- 4 or violate applicable laws;
- 5 (3) Require that, before civil recovery or collection, the
- 6 county in which a search and rescue occurred to hold
- 7 an administrative appeal hearing to allow the
- 8 individual to contest the assessment;
- 9 (4) Raise the penalty for criminal trespass onto public
- 10 parks and recreational grounds from a petty
- 11 misdemeanor to a misdemeanor under certain
- 12 circumstances; and
- 13 (5) Impose a fine on persons convicted of criminal
- 14 trespass onto public parks and recreational grounds.

15 SECTION 2. Chapter 137, Hawaii Revised Statutes, is
16 amended by adding a new section to be appropriately designated
17 and to read as follows:

18 "S137- Search and rescue special fund. (a) There is
19 established in the state treasury the search and rescue special
20 fund to be administered by the department of land and natural
21 resources.



1 (b) The following shall be deposited into the search and
2 rescue special fund:

3 (1) Appropriations from the legislature;
4 (2) Fines collected pursuant to section 708-814.5(4); and
5 (3) Private donations.

6 (c) The search and rescue special fund shall be used for
7 the following purposes:

8 (1) Defraying the search and rescue expenses of a
9 government entity;
10 (2) Search and rescue training;
11 (3) Equipment maintenance and replacement costs; and
12 (4) Educational and prevention initiatives."

13 SECTION 3. Section 137-2, Hawaii Revised Statutes, is
14 amended to read as follows:

15 "~~§137-2~~ **Reimbursement; administrative hearing;**
16 **appeal; rules.** (a) Whenever any government entity engages in a
17 search or rescue operation for the purpose of searching for or
18 rescuing a person, and incurs search and rescue expenses
19 therein, the government entity may seek reimbursement from the
20 following:



1 (1) The person on whose behalf search or rescue operations
2 were conducted, including the person's estate,
3 guardians, custodians, or other entity responsible for
4 the person's safety;

5 (2) A person who ultimately benefited from a search or
6 rescue operation by being rescued; or

7 (3) Any entity responsible for placing the person in the
8 position of danger for which the search or rescue
9 operation was initiated[–],
10 ~~(b) Reimbursement under subsection (a) shall be allowed~~
11 ~~only~~ if the need for search or rescue was caused by any act or
12 omission by the person searched for or rescued, constituting
13 intentional disregard for the person's safety, including, but
14 not limited to, intentionally disregarding a warning or notice.
15 (b) A government entity shall seek reimbursement for all
16 or a portion, but not less than half, of search or rescue
17 expenses from all applicable persons or entities pursuant to
18 subsection (a), if the need for the search or rescue was the
19 result of the person or entity:



- 1 (1) Knowingly entering state, county, or private property
2 that is closed to the public by competent authority
3 for any reason;
- 4 (2) Knowingly entering a hiking trail that is closed to
5 the public; or
- 6 (3) Violating applicable laws; provided that the closure
7 is posted by sign, barricade, or other device that
8 gives reasonable notice of the closure.
- 9 (c) Reimbursement pursuant to this section shall not apply
10 to a person unless the search and rescue response was caused by
11 an act or omission by the person that any reasonable person
12 would consider to be reckless.
- 13 (d) The department of land and natural resources office
14 that is located in a county where a search and rescue occurs
15 shall provide written notice of cost reimbursement within ninety
16 days of any search and rescue incident for which recovery is
17 requested; provided that the notice shall include:
 - 18 (1) A list of itemized costs;
 - 19 (2) The legal and statutory basis for reimbursement; and
 - 20 (3) Information regarding available appeals and rights.



1 (e) Before the initiation of civil recovery or collection,
2 the county in which the search and rescue occurred shall hold an
3 administrative appeal hearing to allow an individual subject to
4 cost reimbursement to contest the assessment; provided that the
5 respective county shall complete the hearing process within one
6 hundred eighty days from the deployment of search and rescue
7 resources and personnel.

8 (f) Each county shall adopt ordinances necessary to
9 implement this section. The state fire council shall adopt
10 rules pursuant to chapter 91, to implement this section and
11 establish any administrative systems that may be necessary to
12 pursue reimbursements required by this section."

13 SECTION 4. Section 708-814.5, Hawaii Revised Statutes, is
14 amended to read as follows:

15 **"[§]708-814.5[§] Criminal trespass onto public parks and**
16 **recreational grounds.** (1) A person commits the offense of
17 criminal trespass onto public parks and recreational grounds if
18 the person remains unlawfully in or upon a public park or
19 recreational ground after a request to leave is made by any law
20 enforcement officer, when the request is based upon violation by
21 the person of any term of use specified on a sign or notice



1 posted on the property, or based on violation of any term of use
2 contained in, or the expiration of, any permit relating to the
3 person's presence on the property.

4 (2) For the purposes of this section, unless the context
5 requires otherwise:

6 "Law enforcement officer" has the same meaning as in
7 section 710-1000.

8 "Public park or recreational ground" means any park, park
9 roadway, playground, athletic field, beach, shore, beach or
10 shore right-of-way, tennis court, golf course, swimming pool, or
11 other recreational area or facility under control, maintenance,
12 and management of the State or any of the counties.

13 (3) Criminal trespass onto public parks and recreational
14 grounds is a petty misdemeanor[.]; provided that criminal
15 trespass onto public parks and recreational grounds is a
16 misdemeanor when an offender displays intentional, repeat, or
17 demonstrably reckless conduct; provided further that a person
18 who inadvertently enters a restricted area or enters a
19 restricted area in an act of self-preservation, to seek
20 immediate assistance after injury, or pursue other mitigative
21 action shall remain subject to a petty misdemeanor.



1 (4) The court shall fine a person convicted of committing
2 the offense of criminal trespass onto public parks and
3 recreational grounds at least \$ but not more than
4 \$."

5 SECTION 5. There is appropriated out of the general
6 revenues of the State of Hawaii the sum of \$ or so
7 much thereof as may be necessary for fiscal year 2026-2027 to be
8 deposited into the search and rescue special fund.

9 SECTION 6. There is appropriated out of the search and
10 rescue special fund the sum of \$ or so much thereof as
11 may be necessary for fiscal year 2026-2027 for the purposes of
12 this Act.

13 The sum appropriated shall be expended by the department of
14 land and natural resources for the purposes of this Act.

15 SECTION 7. This Act does not affect rights and duties that
16 matured, penalties that were incurred, and proceedings that were
17 begun before its effective date.

18 SECTION 8. Statutory material to be repealed is bracketed
19 and stricken. New statutory material is underscored.

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1 SECTION 9. This Act shall take effect on July 1, 2026.

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INTRODUCED BY:

Mark W. Roberts Jr.



S.B. NO. 2157

Report Title:

Department of Land and Natural Resources; Hiking Trails; Search and Rescue; Search and Rescue Special Fund; Mandatory Reimbursement; Administrative Appeal; Hearing; Counties; Administrative Rules; Trespassing; Misdemeanor; Fines; Appropriation

Description:

Establishes the Search and Rescue Special Fund. Requires government entities to seek reimbursement for all or a portion of search or rescue expenses when the person or entity knowingly enters state, county, or private property, knowingly enters a hiking trail that is closed to the public, or violates applicable laws, provided that the closure is posted by sign, barricade, or other device that gives reasonable notice of the closure. Requires an administrative appeal hearing for an individual subject to cost reimbursement to contest the assessment. Requires counties and the State Fire Council to adopt ordinances or rules as necessary to pursue reimbursements. Raises the penalty for criminal trespass from a petty misdemeanor to a misdemeanor under certain circumstances. Imposes a fine on a person convicted of criminal trespass onto public parks and recreational grounds. Appropriates funds.

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