

JOSH GREEN, M.D.
GOVERNOR | KE KIA'ĀINA

SYLVIA LUKE
LIEUTENANT GOVERNOR | KA HOPE KIA'ĀINA



STATE OF HAWAII | KA MOKU'ĀINA 'O HAWAII'
DEPARTMENT OF LAND AND NATURAL RESOURCES
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KAHOOLAWE ISLAND RESERVE COMMISSION
LAND
STATE PARKS

Testimony of
RYAN K.P. KANAKA'OLE
Acting Chairperson

Before the House Committee on
JUDICIARY & HAWAIIAN AFFAIRS

Thursday, April 2, 2026
2:00 PM
State Capitol, Conference Room 325

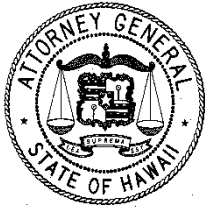
In consideration of
SENATE BILL 2818, SENATE DRAFT 2, HOUSE DRAFT 1
RELATING TO BOATING

Senate Bill 2818, Senate Draft 2, House Draft 1 proposes to clarify the penalties for violations of boating and ocean recreation laws pursuant to Chapter 200, Hawai'i Revised Statutes (HRS). **The Department of Land and Natural Resources (Department) strongly supports this measure.**

Following enactment of Act 215, SLH 2024, the Department discovered that some violations of Chapter 200, HRS, pertaining to the Department's Division of Boating and Ocean Recreation, were inadvertently decriminalized. This has hindered the efforts of the Department's Division of Conservation and Resources Enforcement to effectively enforce severe and egregious natural resource and safety violations, such as illegal commercial activity, reckless vessel operation, unauthorized mooring, and consumption of alcohol within State boating facilities.

The Department has worked with the Department of the Attorney General to clarify the types of violations in Chapter 200, HRS, that would be subject to criminal penalties. The remaining violations would be subject to non-criminal administrative penalties.

Mahalo for the opportunity to provide testimony on this measure.



**TESTIMONY OF
THE DEPARTMENT OF THE ATTORNEY GENERAL
KA 'OIHANA O KA LOIO KUHINA
THIRTY-THIRD LEGISLATURE, 2026**

ON THE FOLLOWING MEASURE:

S.B. NO. 2818, S.D. 2, H.D. 1, RELATING TO BOATING.

BEFORE THE:

HOUSE COMMITTEE ON JUDICIARY & HAWAIIAN AFFAIRS

DATE: Thursday, April 2, 2026

TIME: 2:00 p.m.

LOCATION: State Capitol, Room 325

TESTIFIER(S): Anne E. Lopez, Attorney General, or
Elyse C.N. Oyama, Deputy Attorney General

Chair Tarnas and Members of the Committee:

The Department of the Attorney General supports this bill and offers the following comments.

The purpose of this bill is to clarify the penalties applicable to violations of chapter 200, Hawaii Revised Statutes (HRS), and rules adopted by the Department of Land and Natural Resources relating to boating and ocean recreation, including reckless operation of a vessel, diver's flag display requirements, and operating a vessel under the influence of an intoxicant.

Currently, section 200-14, HRS, applies the petty misdemeanor penalty to violations relating to certain listed subject matters. This structure requires case-by-case determinations as to whether a particular violation falls within one of the listed subject matters, which can complicate enforcement. The bill more clearly and specifically enumerates the violations covered by the penalty provision and expressly states the applicable penalties. By providing clearer guidance regarding the offenses subject to enforcement, the amendments strengthen the effectiveness of enforcement efforts, promote compliance, and support public health and safety within the State's small boat harbors and ocean waters.

We respectfully ask the Committee to pass this bill. Thank you for the opportunity to testify in support of this bill.



MAUI

CHAMBER OF COMMERCE

VOICE OF BUSINESS

**HEARING BEFORE THE HOUSE COMMITTEE JUDICIARY & HAWAIIAN AFFAIRS
HAWAII STATE CAPITOL, HOUSE CONFERENCE ROOM 325
TUESDAY, APRIL 2, 2026 AT 2:00 P.M.**

To The Honorable Representative David A. Tarnas, Chair
The Honorable Representative Mahina Poepoe, Vice Chair
Members of the Committee on Judiciary & Hawaiian Affairs

OPPOSE SB2818 SD1 HD1 RELATING TO BOATING

The Maui Chamber of Commerce represents a diverse membership of businesses across Maui County, including ocean recreation operators, small businesses, visitor industry stakeholders, and local entrepreneurs whose livelihoods are directly connected to our coastal waters.

We support reasonable, modern boating safety standards and appropriate enforcement. Safe and responsible ocean use is essential to protecting both our community and our economy. However, we must respectfully oppose SB2818 SD2 HD1 as currently drafted.

While it seems the intent of SB2818 is to clarify penalties, this measure significantly expands criminal penalties under HRS Chapter 200 in a manner that is overly broad and vague. SB2818 also substantially increases the scope of criminal liability by elevating a wide range of infractions to petty misdemeanors, many of which are technical, situational, or administrative in nature. This approach risks criminalizing ordinary ocean users and small business operators for violations that may be minor or ambiguous.

From a business climate perspective, expanding criminal penalties in this manner creates uncertainty, increases liability exposure, and may discourage responsible operators from continuing or expanding their services. For small business owners and employees, even a petty misdemeanor charge can have significant long-term economic consequences, including impacts to licensing, insurance, and employment.

Hawai'i's ocean recreation sector is an important contributor to Maui County's economy and provides jobs for local families. Policies that create unnecessary criminal exposure threaten an already fragile business environment, particularly as Maui continues economic recovery.

For these reasons, we oppose this bill and ask that you defer SB2818 SD2 HD1.

Sincerely,

Pamela Tumpap
President

To advance and promote a healthy economic environment for business, advocating for a responsive government and quality education, while preserving Maui's unique community characteristics.

SB-2818-HD-1

Submitted on: 3/31/2026 7:58:32 PM

Testimony for JHA on 4/2/2026 2:00:00 PM

Submitted By	Organization	Testifier Position	Testify
Johnnie-Mae L. Perry	Individual	Support	Written Testimony Only

Comments:

I, Johnnie-Mae L. Perry, Support

2818 SB RELATING TO BOATING.