



GOV. MSG. NO. 1317

EXECUTIVE CHAMBERS  
KE KE'ENA O KE KIA'ĀINA

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

July 5, 2023

The Honorable Ronald D. Kouchi  
President of the Senate,  
and Members of the Senate  
Thirty-Second State Legislature  
State Capitol, Room 409  
Honolulu, Hawai'i 96813

The Honorable Scott K. Saiki  
Speaker, and Members of the  
House of Representatives  
Thirty-Second State Legislature  
State Capitol, Room 431  
Honolulu, Hawai'i 96813

Dear President Kouchi, Speaker Saiki, and Members of the Legislature:

This is to inform you that on July 5, 2023, the following bill was signed into law:

HB695 HD2 SD1 CD1

RELATING TO FENCES.  
**ACT 214**

Sincerely,

Josh Green, M.D.  
Governor, State of Hawai'i

on JUL 5 2023

HOUSE OF REPRESENTATIVES  
THIRTY-SECOND LEGISLATURE, 2023  
STATE OF HAWAII

H.B. NO. 695  
H.D. 2  
S.D. 1  
C.D. 1

A BILL FOR AN ACT

RELATING TO FENCES.

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

1 SECTION 1. Section 142-61, Hawaii Revised Statutes, is  
2 amended to read as follows:

3 "§142-61 Lawful fence; penalty. (a) Every fence made of  
4 stone, posts and rails, posts and boards, posts and wire, or  
5 other suitable materials shall be a lawful fence~~[7]~~; provided  
6 that ~~[it is not]~~ the lawful fence shall be no less than four  
7 feet in height, substantially built, strong and close, existing  
8 in good state of repair, and capable of turning either all stock  
9 or all stock excepting swine, attempting to pass through the  
10 fence.

11 (b) Woven wire, or what is otherwise known also as hog-  
12 wire, used as a type of wire by itself or with a combination of  
13 barbed wire or plain wire, when supported on posts and properly  
14 fastened thereto and meeting the minimum height and stock  
15 turning requirements prescribed in subsection (a), shall be a  
16 lawful fence.



1        (c) A battery-charged security fence used for non-  
2 agricultural purposes shall be a lawful fence; provided that the  
3 battery-charged security fence:

4        (1) Interfaces with a monitored alarm device in a manner  
5 that enables the alarm system to transmit a signal  
6 intended to summon the property owner or law  
7 enforcement in response to an intrusion or any  
8 unauthorized entry;

9        (2) Is located on property that is not designated by a  
10 county exclusively for residential use;

11       (3) Has an energizer that is powered by a commercial  
12 storage battery that is no more than twelve volts of  
13 direct current;

14       (4) Has an energizer that meets the standards set forth in  
15 the most current edition of the International  
16 Electrotechnical Commission Standard 60335-2-76;

17       (5) Is completely surrounded by a non-electric perimeter  
18 fence or wall that is no less than five feet in  
19 height;



1       (6) Does not exceed ten feet in height or is not two feet  
2       higher than the non-electric perimeter fence or wall  
3       identified in paragraph (5), whichever is higher; and

4       (7) Is marked with conspicuous warning signs that are  
5       located on the battery-charged security fence at no  
6       more than thirty-foot intervals and that read:  
7       "WARNING -- ELECTRIC FENCE".

8       (d) Notwithstanding any law to the contrary, no county  
9       shall adopt or enforce an ordinance that:

10       (1) Requires a permit or fee for the installation or use  
11       of a battery-charged security fence that is in  
12       addition to any permit for an alarm system that may be  
13       issued by the county;

14       (2) Imposes installation or operational requirements for a  
15       battery-charged security fence that are inconsistent  
16       with the requirements set forth in subsection (c); or

17       (3) Prohibits the installation or use of a battery-charged  
18       security fence.

19       (e) As used in subsections (c) and (d):

20       "Alarm system" means any device that is designed for the  
21       detection of an unauthorized entry into any building, place, or



1 premises, except motor vehicles, or for alerting others to the  
2 commission of an unlawful act, or both, and that emits a sound  
3 or transmits a signal or message when activated.

4 "Battery-charged security fence" means an alarm system and  
5 ancillary components, or equipment attached to such a system,  
6 including but not limited to:

7 (1) A fence;

8 (2) A battery-operated energizer that is intended to  
9 periodically deliver voltage impulses to the fence to  
10 which it is connected; and

11 (3) A battery charging device used exclusively to charge  
12 the battery.

13 [~~e~~] (f) The sea, rivers, ponds, and natural  
14 perpendicular bluffs, whenever impassable, shall be lawful  
15 fences.

16 [~~d~~] (g) Whenever fences are built on any boundary, or  
17 within the exterior boundaries of any privately owned land or  
18 lot, or within the exterior boundaries of any leased public land  
19 or lot, to keep animals confined to certain areas or to keep  
20 farms protected against the trespass of animals, except on the  
21 boundary of any government road, it shall be lawful to have



1 fence wire electrically charged~~[7]~~; provided ~~[seeh]~~ that the  
2 wire is fastened to insulators supported on posts~~[7-and]~~;  
3 provided ~~[also]~~ further that the charge supplied shall be  
4 through an approved electric fence controller ~~[which]~~ that shall  
5 be labeled or listed as conforming to the standards of either  
6 the National Institute of Standards and Technology, the  
7 Underwriters Laboratories, Inc., or any other similar  
8 institutions of recognized standing~~[7-and]~~; provided that an  
9 electric fence controller intended for use in the State shall  
10 bear a recognized commercial trade name and the name of the  
11 selling agency of same.

12 ~~[-e-]~~ (h) Whenever fences are built on any boundary,  
13 including on the boundary of any government road, within the  
14 exterior boundaries of any privately owned land or lot, or  
15 within the exterior boundaries of any leased public land or lot,  
16 to keep animals confined to certain areas or to keep farms  
17 protected against the trespass of animals, it shall be lawful to  
18 attach electrically charged attachments to the interior side of  
19 the fence; provided that in the case of wire fences, it shall be  
20 lawful to attach electrically charged attachments only to the  
21 interior side of posts supporting the wire; ~~[and]~~ provided



1 further that no person shall be subject to injury by the  
2 electrically charged attachments while the person is on or  
3 touches the exterior side of the fence or fence posts.

4 ~~(f)~~ (i) Any person who constructs or maintains an  
5 electrically charged fence or fence with electrically charged  
6 attachments not conforming to the requirements of this section  
7 shall be fined ~~not~~ no more than \$500, or imprisoned ~~not~~ no  
8 more than one year, or both.

9 ~~(g)~~ (j) Any person who constructs or maintains an  
10 electrically charged fence or fence with electrically charged  
11 attachments along the boundary of any government road or within  
12 the exterior boundaries of any leased public land or lot shall  
13 defend, indemnify, and hold harmless, the State, county, or  
14 other public entity from all claims, suits, or judgments arising  
15 from the use of an electrically charged fence or fence with  
16 electrically charged attachments."

17 SECTION 2. Statutory material to be repealed is bracketed  
18 and stricken. New statutory material is underscored.

19 SECTION 3. This Act shall take effect upon its approval.



**H.B. NO.** 695  
H.D. 2  
S.D. 1  
C.D. 1

APPROVED this **5th** day of **July**, 2023

A handwritten signature in black ink, appearing to read "Josh Green". The signature is written in a cursive style with a large initial "J" and a long horizontal stroke at the end.

GOVERNOR OF THE STATE OF HAWAII

HB No. 695, HD 2, SD 1, CD 1

THE HOUSE OF REPRESENTATIVES OF THE STATE OF HAWAII

Date: May 2, 2023  
Honolulu, Hawaii

We hereby certify that the above-referenced Bill on this day passed Final Reading in the House of Representatives of the Thirty-Second Legislature of the State of Hawaii, Regular Session of 2023.



Scott K. Saiki  
Speaker  
House of Representatives

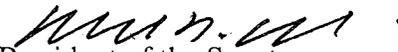


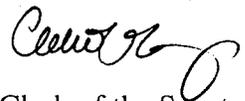
Brian L. Takeshita  
Chief Clerk  
House of Representatives

**THE SENATE OF THE STATE OF HAWAI‘I**

Date: May 2, 2023  
Honolulu, Hawai‘i 96813

We hereby certify that the foregoing Bill this day passed Final Reading in the Senate of the Thirty-Second Legislature of the State of Hawai‘i, Regular Session of 2023.

  
President of the Senate

  
Clerk of the Senate