
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, provided that
6 it is not less than four feet in height, substantially built,
7 strong and close, existing in good state of repair, and capable
8 of turning either all stock or all stock excepting swine,
9 attempting to pass through the fence.

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

16 (c) A battery-charged security fence shall be a lawful
17 fence; provided that the battery-charged security fence:



- 1 (1) Interfaces with a monitored alarm device in a manner
2 that enables the alarm system to transmit a signal
3 intended to summon the property owner or law
4 enforcement in response to an intrusion or any
5 unauthorized entry;
- 6 (2) Is located on property that is not designated by a
7 county exclusively for residential use;
- 8 (3) Has an energizer that is powered by a commercial
9 storage battery that is not more than twelve volts of
10 direct current;
- 11 (4) Has an energizer that meets the standards set forth by
12 the International Electrotechnical Commission Standard
13 60335-2-76, current edition;
- 14 (5) Is completely surrounded by a non-electric perimeter
15 fence or wall that is not less than five feet in
16 height;
- 17 (6) Does not exceed ten feet in height or is not two feet
18 higher than the non-electric perimeter fence or wall
19 identified in paragraph (5), whichever is higher; and
- 20 (7) Is marked with conspicuous warning signs that are
21 located on the battery-charged security fence at not



1 more than thirty-foot intervals and that read:

2 "WARNING -- ELECTRIC FENCE".

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

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

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

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

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

15 "Alarm system" means any device that is designed for the
16 detection of an unauthorized entry into any building, place, or
17 premises, except motor vehicles, or for alerting others to the
18 commission of an unlawful act, or both, and that emits a sound
19 or transmits a signal or message when activated.



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

4 (1) A fence;

5 (2) A battery-operated energizer that is intended to
6 periodically deliver voltage impulses to the fence to
7 which it is connected; and

8 (3) A battery charging device used exclusively to charge
9 the battery.

10 ~~[(e)]~~ (f) The sea, rivers, ponds, and natural
11 perpendicular bluffs, whenever impassable, shall be lawful
12 fences.

13 ~~[(d)]~~ (g) Whenever fences are built on any boundary, or
14 within the exterior boundaries of any privately owned land or
15 lot, or within the exterior boundaries of any leased public land
16 or lot, to keep animals confined to certain areas or to keep
17 farms protected against the trespass of animals, except on the
18 boundary of any government road, it shall be lawful to have
19 fence wire electrically charged, provided such wire is fastened
20 to insulators supported on posts, and provided also that the
21 charge supplied shall be through an approved electric fence



1 controller which shall be labeled or listed as conforming to the
2 standards of either the National Institute of Standards and
3 Technology, the Underwriters Laboratories, Inc., or any other
4 similar institutions of recognized standing, and provided that
5 an electric fence controller intended for use in the State shall
6 bear a recognized commercial trade name and the name of the
7 selling agency of same.

8 ~~(e)~~ (h) Whenever fences are built on any boundary,
9 including on the boundary of any government road, within the
10 exterior boundaries of any privately owned land or lot, or
11 within the exterior boundaries of any leased public land or lot,
12 to keep animals confined to certain areas or to keep farms
13 protected against the trespass of animals, it shall be lawful to
14 attach electrically charged attachments to the interior side of
15 the fence; provided that in the case of wire fences, it shall be
16 lawful to attach electrically charged attachments only to the
17 interior side of posts supporting the wire; and provided further
18 that no person shall be subject to injury by the electrically
19 charged attachments while the person is on or touches the
20 exterior side of the fence or fence posts.



H.B. NO. 695

Report Title:

Battery-charged Security Fences

Description:

Allows the use of battery-charged security fences under certain circumstances.

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