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# 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.



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 not more than twelve volts of  
13 direct current;

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

17       (5) Is completely surrounded by a non-electric perimeter  
18 fence or wall that is not 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 not  
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, provided such wire is fastened  
2 to insulators supported on posts, and provided also that the  
3 charge supplied shall be through an approved electric fence  
4 controller which shall be labeled or listed as conforming to the  
5 standards of either the National Institute of Standards and  
6 Technology, the Underwriters Laboratories, Inc., or any other  
7 similar institutions of recognized standing, and provided that  
8 an electric fence controller intended for use in the State shall  
9 bear a recognized commercial trade name and the name of the  
10 selling agency of same.

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



1 charged attachments while the person is on or touches the  
2 exterior side of the fence or fence posts.

3 ~~[(f)]~~ (i) Any person who constructs or maintains an  
4 electrically charged fence or fence with electrically charged  
5 attachments not conforming to the requirements of this section  
6 shall be fined not more than \$500, or imprisoned not more than  
7 one year, or both.

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

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

18 SECTION 3. This Act shall take effect on June 30, 3000.

19



**Report Title:**

Battery-charged Security Fences; Non-agricultural Purposes

**Description:**

Allows the use of battery-charged security fences used for non-agricultural purposes, under certain circumstances.

Effective 6/30/3000. (HD1)

*The summary description of legislation appearing on this page is for informational purposes only and is not legislation or evidence of legislative intent.*

