
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 ~~[such]~~ 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 on June 30, 3000.



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. (HD2)

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