

STAND. COM. REP. NO.

3469

Honolulu, Hawaii

MAY 13 2020

RE: H.B. No. 2454
H.D. 1
S.D. 1

Honorable Ronald D. Kouchi
President of the Senate
Thirtieth State Legislature
Regular Session of 2020
State of Hawaii

Sir:

Your Committee on Commerce, Consumer Protection, and Health,
to which was referred H.B. No. 2454, H.D. 1, entitled:

"A BILL FOR AN ACT RELATING TO CRITICAL ELECTRICAL
INFRASTRUCTURE,"

begs leave to report as follows:

The purpose and intent of this measure is to establish the
offense of criminal trespass on critical electrical
infrastructure.

Your Committee received testimony in support of this measure
from the City and County of Honolulu Police Department and
Hawaiian Electric Company, Inc.

Your Committee finds that attacks on critical infrastructure,
specifically electrical infrastructure, could be used to cause
widespread panic and create economic distress. The infrastructure
risk associated with the criminal threats include vandalism,
copper theft, and unauthorized access into the facility. The
outages caused by trespassers can result in immeasurable costs to
the State's residents, businesses, and military partners. This
measure emphasizes the importance of protecting our electrical
power plants and deter criminal activity by making trespassing on
these facilities a class C felony.



Your Committee notes, however, the importance of balancing the protection of critical electrical infrastructure with a person's right to peacefully assemble or protest at or near parts of a power plant or power generating facility that are not responsible for the actual operation or generation or transmission of electricity. Your Committee finds that S.B. No. 2515, S.D. 1 makes this distinction and is therefore preferable. Accordingly, amendments to this measure are necessary to address these concerns.

Your Committee has amended this measure by:

- (1) Clarifying that a person commits the offense of criminal trespass on critical electrical infrastructure when the person recklessly disregards a risk that the property belongs to a critical electrical infrastructure company;
- (2) Clarifying that an act occurs in the course of committing the offense if it occurs in effecting entry or while on the property or in immediate flight therefrom;
- (3) Clarifying the definition of "critical electrical infrastructure" to mean areas integral to the operation or function of certain facilities, not including support offices, electric transmission land, or rights-of-way that are not completely enclosed and maintained by the electric utility;
- (4) Amending section 1 to reflect its amended purpose; and
- (5) Making technical, nonsubstantive amendments for the purposes of clarity and consistency.

As affirmed by the record of votes of the members of your Committee on Commerce, Consumer Protection, and Health that is attached to this report, your Committee is in accord with the intent and purpose of H.B. No. 2454, H.D. 1, as amended herein, and recommends that it pass Second Reading in the form attached hereto as H.B. No. 2454, H.D. 1, S.D. 1, and be referred to your Committee on Judiciary.



Respectfully submitted on
behalf of the members of the
Committee on Commerce, Consumer
Protection, and Health,

Rosalyn H. Baker

ROSALYN H. BAKER, Chair



The Senate
Thirtieth Legislature
State of Hawai'i

Record of Votes
Committee on Commerce, Consumer Protection, and Health
CPH

Bill / Resolution No.:*	Committee Referral:	Date:
HB 2454 HDI	CPH, JDC	3/11/20

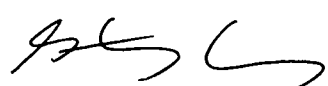
The Committee is reconsidering its previous decision on this measure.
If so, then the previous decision was to: _____

The Recommendation is:

Pass, unamended 2312 Pass, with amendments 2311 Hold 2310 Recommit 2313

Members	Aye	Aye (WR)	Nay	Excused
BAKER, Rosalyn H. (C)	✓			
CHANG, Stanley (VC)	✓			
NISHIHARA, Clarence K.	✓			
RUDERMAN, Russell E.	✓			
THIELEN, Laura H.	✓			
WAKAI, Glenn	✓			
FEVELLA, Kurt	✓			
TOTAL	7			

Recommendation: Adopted Not Adopted

Chair's or Designee's Signature: 

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*Only one measure per Record of Votes