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# A BILL FOR AN ACT

RELATING TO CRITICAL ELECTRICAL INFRASTRUCTURE.

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

1           SECTION 1. The legislature finds that the security and  
2 resilience of Hawaii's critical electrical infrastructure are  
3 fundamental to the health and welfare of the State's residents,  
4 visitors, and employees and to the national defense of the  
5 country. The legislature acknowledges that modern society  
6 functions because of safe, affordable, and reliable electrical  
7 power. However, existing trespassing laws do not provide a  
8 proportionate level of protection for such a key resource.

9           The purpose of this Act is to protect the public and  
10 critical electrical utilities by establishing the offense of  
11 trespassing on critical electrical infrastructure.

12           SECTION 2. Chapter 708, Hawaii Revised Statutes, is  
13 amended by adding a new section to be appropriately designated  
14 and to read as follows:

15           "§708-           Criminal trespass on critical electrical  
16 infrastructure. (1) A person commits the offense of criminal  
17 trespass on critical electrical infrastructure when:



1        (a) The person intentionally enters or remains unlawfully  
2                    on property of a critical electrical infrastructure  
3                    with intent to commit therein a crime against a person  
4                    or against property rights, and the property is fenced  
5                    or enclosed in a manner designed to exclude intruders  
6                    with posted warning signs; or

7        (b) The person recklessly disregards a risk that the  
8                    property belongs to a critical electrical  
9                    infrastructure company.

10        (2) An act occurs in the course of committing the offense  
11 if it occurs in effecting entry or while on the property or in  
12 immediate flight therefrom.

13        (3) Trespassing on a critical electrical infrastructure is  
14 a class C felony."

15        SECTION 3. Section 708-800, Hawaii Revised Statutes, is  
16 amended by adding a new definition to be appropriately inserted  
17 as to read as follows:

18        "Critical electrical infrastructure" means areas integral  
19 to the operation or function of:

20        (1) A power plant;



- 1       (2) A power generation facility used specifically during
- 2           times of high demand;
- 3       (3) An electric transmission facility;
- 4       (4) An electric station or substation; or
- 5       (5) Any other facility used to support the generation,
- 6           transmission, or distribution of electricity.

7 "Critical electrical infrastructure" does not include support  
8 offices, electric transmission land, or right-of-way that is not  
9 completely enclosed and maintained by the electric utility."

10       SECTION 4. This Act does not affect rights and duties that  
11 matured, penalties that were incurred, and proceedings that were  
12 begun before its effective date.

13       SECTION 5. New statutory material is underscored.

14       SECTION 6. This Act shall take effect on July 1, 2050.



**Report Title:**

Trespassing; Critical Electrical Infrastructure; Criminal  
Trespass

**Description:**

Establishes the offense of criminal trespass on critical  
electrical infrastructure. Takes effect on 7/1/2050. (SD1)

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not legislation or evidence of legislative intent.*

