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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 criminal 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 amending the offense of  
11 burglary in the second degree to include intentionally entering  
12 or remaining unlawfully on a critical electrical infrastructure.

13           SECTION 2. Section 708-811, Hawaii Revised Statutes, is  
14 amended to read as follows:

15           "**§708-811 Burglary in the second degree.** (1) A person  
16 commits the offense of burglary in the second degree if the  
17 person intentionally enters or remains unlawfully [in]:



- 1        (a) In a building with intent to commit therein a crime  
2                against a person or against property rights[-]; or  
3        (b) On a critical electrical infrastructure, which is  
4                fenced or enclosed in a manner designed to exclude  
5                intruders with posted warning signs stating "Private  
6                Property - Critical Electrical Infrastructure  
7                (HRS §708-800) - No Trespassing" and the person  
8                recklessly disregards a substantial and unjustifiable  
9                risk that the property is a critical electrical  
10               infrastructure, with intent to commit therein a crime  
11               against a person or against property rights. The sign  
12               or signs, containing letters no less than two inches  
13               in height, shall be placed at reasonable intervals no  
14               less than three signs to a mile along the boundary  
15               line of the land and at roads and trails entering the  
16               land in a manner and position as to be clearly  
17               noticeable from outside the boundary line.  
18        (2) "Critical electrical infrastructure" means areas  
19 integral to the operation or function of:  
20        (1) A power plant;  
21        (2) An electric transmission facility;



1        (3) An electric station or substation; or

2        (4) Any other facility used to support the generation,  
3        transmission, or distribution of electricity.

4        "Critical electrical infrastructure" does not include support  
5        offices, land used for the transmission of electricity, or  
6        right-of-way that is not completely enclosed and maintained by  
7        the electric utility.

8        [~~2~~] (3) Burglary in the second degree is a class C  
9        felony."

10       SECTION 3. 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 4. Statutory material to be repealed is bracketed  
14       and stricken. New statutory material is underscored.

15       SECTION 5. This Act shall take effect upon its approval.



**Report Title:**

Critical Electrical Infrastructure; Burglary Offense

**Description:**

Amends the offense of burglary in the second degree to include intentionally entering or remaining unlawfully on a critical electrical infrastructure. (HD2)

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

