

JAN 22 2021

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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 legislature further finds that under existing law, if  
10 an individual is convicted of criminal trespass in the first  
11 degree, that person may receive up to a year in jail and pay a  
12 fine of up to \$1,000. The legislature additionally finds that  
13 this is not a sufficient deterrent. Hawaiian Electric reports  
14 that their secured facilities, many of which are high-voltage  
15 and dangerous environments, are compromised on a regular basis,  
16 and that the security measures that have been implemented to  
17 deter that activity have not eliminated trespassing in critical



1 facilities. The legislature also finds that increasing the  
2 penalties for trespassing on critical electrical infrastructure  
3 may increase the deterrent against such activities.

4 Accordingly, the purpose of this Act is to protect the  
5 public and critical electrical utilities by establishing the  
6 offense of trespassing on critical electrical infrastructure.

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

10 "§708- Criminal trespass on critical electrical  
11 infrastructure. (1) A person commits the offense of criminal  
12 trespass on critical electrical infrastructure when:

13 (a) The person intentionally enters or remains unlawfully  
14 on property of a critical electrical infrastructure  
15 with intent to commit therein a crime against a person  
16 or against property rights, and the property is fenced  
17 or enclosed in a manner designed to exclude intruders  
18 with posted warning signs; or

19 (b) The person recklessly disregards a risk that the  
20 property belongs to a critical electrical  
21 infrastructure company.



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

4        (3) Trespassing on a critical electrical infrastructure is  
5 a class C felony."

6        SECTION 3. Section 708-800, Hawaii Revised Statutes, is  
7 amended by adding a new definition to be appropriately inserted  
8 and to read as follows:

9        "Critical electrical infrastructure" means areas integral  
10 to the operation or function of:

- 11        (1) A power plant;  
12        (2) A power generation facility used specifically during  
13        times of high demand;  
14        (3) An electric transmission facility;  
15        (4) An electric station or substation; or  
16        (5) Any other facility used to support the generation,  
17        transmission, or distribution of electricity.

18 "Critical electrical infrastructure" does not include support  
19 offices, land used for the transmission of electricity, or  
20 right-of-way that is not completely enclosed and maintained by  
21 the electric utility."



1           SECTION 4. This Act does not affect rights and duties that  
2 matured, penalties that were incurred, and proceedings that were  
3 begun before its effective date.

4           SECTION 5. If any provision of this Act, or the  
5 application thereof to any person or circumstance, is held  
6 invalid, the invalidity does not affect other provisions or  
7 applications of the Act that can be given effect without the  
8 invalid provision or application, and to this end the provisions  
9 of this Act are severable.

10          SECTION 6. New statutory material is underscored.

11          SECTION 7. This Act shall take effect upon its approval.

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INTRODUCED BY: Rosalyn H Baker



# S.B. NO. 612

**Report Title:**

Trespassing; Critical Electrical Infrastructure; Criminal  
Trespass

**Description:**

Establishes the offense of criminal trespass on critical  
electrical infrastructure.

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