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A BILL FOR AN ACT

RELATING TO HOMELAND SECURITY.

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

1           SECTION 1. The legislature finds that in order to succeed  
2 in the legislated responsibilities of the State regarding  
3 protection of critical infrastructure under chapter 128A, Hawaii  
4 Revised Statutes, it is necessary to establish protections for  
5 critical infrastructure information.

6           The purpose of this Act is to establish and specify  
7 protections for information that is received or maintained by  
8 the office of homeland security for use regarding the security  
9 of critical infrastructure and protected systems, analysis,  
10 warning, interdependency study, recovery, reconstitution or  
11 other informational purposes.

12           SECTION 2. Chapter 128A, Hawaii Revised Statutes, is  
13 amended by adding to part I a new section to be appropriately  
14 designated and to read as follows:

15           "§128A-           Confidentiality of critical infrastructure  
16 information. (a) Notwithstanding section 92F-11 and any other  
17 law to the contrary, critical infrastructure information  
18 received or maintained by the office of homeland security in

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1 connection with the Hawaii state critical infrastructure  
2 security and resilience program shall be confidential and shall  
3 not be disclosed except as provided in subsection (b).

4 (b) The office of homeland security may share confidential  
5 critical infrastructure information received or maintained under  
6 subsection (a) with federal agencies and state and county  
7 agencies within the State for the purposes of the security of  
8 critical infrastructure of protected systems; provided that the  
9 information shall remain confidential and shall not be available  
10 to the public.

11 (c) Nothing contained in this section shall be construed  
12 to alter existing rights to access government records subject to  
13 chapter 92F from an agency other than the office of homeland  
14 security."

15 SECTION 3. Section 128A-2, Hawaii Revised Statutes, is  
16 amended by adding a new definition to be appropriately inserted  
17 and to read as follows:

18 "Critical infrastructure information" means information  
19 that is not customarily in the public domain and is related to  
20 the security of critical infrastructure or protected systems,  
21 including documents, records or other information concerning:

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- 1       (1) Actual, potential, or threatened interference with,  
2       attack on, compromise of, or incapacitation of  
3       critical infrastructure or protected systems by either  
4       physical or computer-based attack or other similar  
5       conduct, including the misuse of or unauthorized  
6       access to all types of communications and data  
7       transmission systems, that violates federal, state,  
8       local, or tribal law, harms interstate commerce of the  
9       United States, or threatens public health or safety;  
10      (2) The ability of any critical infrastructure or  
11      protected system to resist such interference,  
12      compromise, or incapacitation, including any planned  
13      or past assessment, projection, or estimate of the  
14      vulnerability of critical infrastructure or a  
15      protected system, including security testing, risk  
16      evaluation thereto, risk-management planning, or risk  
17      audit; or  
18      (3) Any planned or past operational problem or solution  
19      regarding critical infrastructure or protected  
20      systems, including repair, recovery, reconstruction,  
21      insurance, or continuity, to the extent it is related  
22      to such interference, compromise, or incapacitation."

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1 SECTION 4. New statutory material is underscored.

2 SECTION 5. This Act, upon its approval, shall take effect  
3 on July 1, 2024.

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INTRODUCED BY: 

6

BY REQUEST

# S.B. NO. 3149

**Report Title:**

Homeland Security; Uniform Information Practices; Critical Infrastructure Information

**Description:**

Enhances sharing of critical infrastructure information between infrastructure owners and operators and the state government. Defines and protects "critical infrastructure information" that is crucial for direct support of the security and resilience of the State of Hawaii. Provides homeland security partners reassurance that their proprietary information provided to the State of Hawaii government will be protected from disclosure.

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

# SB. NO. 3149

## JUSTIFICATION SHEET

DEPARTMENT: Law Enforcement

TITLE: A BILL FOR AN ACT RELATING TO HOMELAND SECURITY.

PURPOSE: To establish protections for critical infrastructure information that is received or maintained by the Office of Homeland Security (OHS) for use regarding the security of critical infrastructure and protected systems, analysis, warning, interdependency study, recovery, reconstitution, or other informational purposes.

MEANS: Add new section to chapter 128A, Hawaii Revised Statutes (HRS), and amend section 128A-2, HRS.

JUSTIFICATION: The protections offered by this bill will enhance sharing of critical infrastructure information between infrastructure owners and operators and the state government. "Critical infrastructure information" as defined and protected by this bill is crucial for OHS for direct support of the security and resilience of the State of Hawaii. The protections will provide homeland security partners reassurance that their proprietary information provided to the State of Hawaii government will be protected from disclosure.

Impact on the public: The protections afforded owners and operators in sharing critical infrastructure information indirectly benefit the public with the increased protections afforded these critical infrastructure facilities through the OHS.

Impact on the department and other agencies:  
None.

GENERAL FUND: None.  
OTHER FUNDS: None.  
PPBS PROGRAM DESIGNATION: LAW 900.  
OTHER AFFECTED AGENCIES: None.  
EFFECTIVE DATE: July 1, 2024.