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# A BILL FOR AN ACT

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RELATING TO PROPERTY DAMAGE OF CRITICAL INFRASTRUCTURE  
FACILITIES.

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

1       SECTION 1. Chapter 708, Hawaii Revised Statutes, is  
2 amended by adding two new sections to part III to be  
3 appropriately designated and to read as follows:

4       "§708-A Criminal property damage of a critical  
5 infrastructure facility in the first degree. (1) A person  
6 commits the offense of criminal property damage of a critical  
7 infrastructure facility in the first degree if the person  
8 intentionally or knowingly damages any critical infrastructure  
9 facility without the owner or operator's consent and:

10       (a) Recklessly or negligently causes damage in an amount  
11 exceeding \$20,000 and recklessly or negligently causes  
12 substantial impairment of the critical infrastructure  
13 facility; or

14       (b) Knowingly uses a firearm, drone, or explosive weapon  
15 in the commission of the offense and recklessly or



1 negligently causes substantial impairment of the  
2 critical infrastructure facility.

3 (2) Criminal property damage of a critical infrastructure  
4 facility in the first degree is a class A felony.

5 §708-B Criminal property damage of a critical  
6 infrastructure facility in the second degree. (1) A person  
7 commits the offense of criminal property damage of a critical  
8 infrastructure facility in the second degree if the person  
9 intentionally or knowingly damages any critical infrastructure  
10 facility without the owner or operator's consent, and recklessly  
11 or negligently causes substantial impairment to the critical  
12 infrastructure facility.

13 (2) Criminal property damage of a critical infrastructure  
14 facility in the second degree is a class B felony."

15 SECTION 2. Section 708-800, Hawaii Revised Statutes, is  
16 amended by adding five new definitions to be appropriately  
17 inserted and to read as follows:

18 "Critical infrastructure facility" has the same meaning as  
19 "critical infrastructure" defined in section 708-890; provided  
20 that for sections 708-A and 708-B "critical infrastructure  
21 facility" shall include broadband and cable television networks.



1       "Drone" means an unmanned aircraft, watercraft, or ground  
2 vehicle or a robotic device that is controlled remotely by a  
3 human operator or operates autonomously through computer  
4 software or other programming.

5       "Explosive weapon" means any explosive or incendiary device  
6 that is designed, made, or adapted for the purpose of inflicting  
7 serious bodily injury, death, or substantial property damage, or  
8 for the principal purpose of causing such a loud report as to  
9 cause undue public alarm or terror. "Explosive weapon"  
10 includes:

11       (1) An explosive or incendiary bomb, grenade, rocket, and  
12 mine;

13       (2) A device designed, made, or adapted for delivering or  
14 shooting an explosive weapon; and

15       (3) A device designed, made, or adapted to start a fire in  
16 a time-delayed manner.

17       "Firearm" has the same meaning as defined in section 134-1.

18       "Substantial impairment" means impairment of a critical  
19 infrastructure facility that:

20       (1) Lasts for two hours or more; or



1       (2) Affects one thousand or more retail customers of the  
2       affected critical infrastructure facility."

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

6       SECTION 4. In codifying the new sections added by  
7       section 1 of this Act, the revisor of statutes shall substitute  
8       appropriate section numbers for the letters used in designating  
9       the new sections in this Act.

10      SECTION 5. New statutory material is underscored.

11      SECTION 6. This Act shall take effect upon its approval.



**Report Title:**

Offenses Against Property Rights; Criminal Property Damage of  
Critical Infrastructure Facilities; Felony

**Description:**

Establishes the offense of criminal property damage to critical  
infrastructure facilities in the first and second degree. (SD2)

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