

DEFENDER COUNCIL
1130 NORTH NIMITZ HIGHWAY
SUITE A-254
HONOLULU, HAWAII 96817

HONOLULU OFFICE
1130 NORTH NIMITZ HIGHWAY
SUITE A-254
HONOLULU, HAWAII 96817

APPELLATE DIVISION
TEL. NO. (808) 586-2080

DISTRICT COURT DIVISION
TEL. NO. (808) 586-2100

FAMILY COURT DIVISION
TEL. NO. (808) 586-2300

FELONY DIVISION
TEL. NO. (808) 586-2200

FACSIMILE
(808) 586-2222



**STATE OF HAWAII
OFFICE OF THE PUBLIC DEFENDER**

HILO OFFICE
275 PONAHAWAI STREET
SUITE 201
HILO, HAWAII 96720
TEL. NO. (808) 974-4571
FAX NO. (808) 974-4574

KONA OFFICE
75-1000 HENRY STREET
SUITE #209
KAILUA-KONA HI 96740
TEL. NO. (808) 327-4650
FAX NO. (808) 327-4651

KAUA'I OFFICE
3060 EIWA STREET
SUITE 206
LIHUE, HAWAII 96766
TEL. NO. (808) 241-7128
FAX NO. (808) 274-3422

MAUI OFFICE
81 N. MARKET STREET
WAILUKU, HAWAII 96793
TEL. NO. (808) 984-5018
FAX NO. (808) 984-5022

January 30, 2026

HB1798: RELATING TO PROPERTY DAMAGE OF CRITICAL INFRASTRUCTURE FACILITIES

Chair Hagan, Vice Chair Hussey and Members of the Committee on Economic Development and Technology

The Office of the Public Defender (OPD) **opposes HB1798** which seeks to amend Hawai'i Revised Statutes (HRS), Chapter 708 by creating the Class C felony offense of Criminal Property Damage of a Critical Infrastructure Facility and amend HRS § 708-890 to add “broadband and cable networks” to the definition of “critical infrastructure.”

In general, the OPD opposes the unnecessary creation of new offenses. HB1798 creates an unnecessary offense. There is no need to single out “critical infrastructure facilities” over the “property of another.” Damage to a “critical infrastructure facility” can already be prosecuted as “property of another” under the current criminal property damage (CPD) statutes. Rather than limiting punishment to a single Class C offense, the current scheme would also fairly allow the offender to be punished commensurate with the severity of the damage caused, ranging from a petty misdemeanor to a Class B felony.

Currently, there are four degrees of criminal property damage (CPD) offenses which range in severity from a Class B felony to a petty misdemeanor. The severity of the offenses generally depends on the means used to damage the property or the amount of damage caused. HB1798 would deviate from this general structure and create a Class C felony based solely on the nature of the item(s) damaged (i.e. “critical infrastructure facility”). This measure would be unique as it would focus solely on the character of item damaged instead of the severity (based on value) or means used

to cause the damage. Even in the case of agricultural or aquacultural equipment which has a special subsection in CPD 1, CPD 2 and CPD 3 with a lower value threshold, the degree of the offense is still based in part on the amount of damage, not solely on the character of the item.¹ Focusing solely on the character of the item without regard to the severity of the damage would lead to vastly disparate and likely unconstitutional results. For example, under HB1798 a person would be charged with a Class C felony whether they caused \$5.00 worth of damage or \$5,000.00 worth of damage to a “critical infrastructure facility.”² Or, a person who caused \$5.00 worth of damage to a “critical infrastructure facility” would be charged with a Class C felony whereas a person who caused \$5.00 worth of damage to the property of another would be charged with a petty misdemeanor.³

By creating a new offense that, in some instances would elevate current petty misdemeanor or misdemeanor offenses to a felony, HB1798 will unnecessarily add costs and divert judicial resources. Cases that could normally be resolved at the

¹ CPD 1 (HRS § 708-820) normally requires damage in an amount exceeding \$20,000 however, when the property damaged is agricultural or aquacultural equipment, the damage requirement is lowered to an amount exceeding \$1,500. CPD 2 (HRS § 708-821) reduces the damage requirement for agricultural or aquacultural equipment from an amount exceeding \$1,500 to an amount exceeding \$500. CPD 3 (HRS § 708-822) reduces the damage requirement from an amount exceeding \$500 to an amount exceeding \$100. Even though agricultural or aquacultural equipment is singled out, the amount of damage still determines the severity of the offense.

² See e.g. State v. Lavoie, 156 Hawai‘i 250, 261, 573 P.3d 633 (2025) (citing HRS § 706-606 for the requirement that “[t]he court in determining the particular sentence to be imposed, shall consider[] … [t]he need to avoid unwarranted sentence disparities among defendants with similar records who have been found guilty of similar conduct.”)

³ Another, somewhat related issue is that under this measure a person who damaged a “critical infrastructure facility” could only be charged with a Class C felony regardless of the amount of damage caused. As a specific statute controls over a general statute (see State v. Kamana‘o, 118 Hawai‘i 210, 211, 188 P.3d 724, 725 (2008)), HB1798, which deals specifically with damage to a “critical infrastructure facility” would control over HRS § 708-820 which deals generally with the property of another when the property at issue was a “critical infrastructure facility.” Under CPD 1 (HRS § 708-820), a person who damages the property of another in an amount exceeding \$20,000 is guilty of a Class B felony. However, under this measure, a person who damaged a “critical infrastructure facility” in an amount exceeding \$20,000 would only be guilty of a Class C felony. This would be contrary to the apparent intent of HB1798 to increase the severity of the offense when the property damaged is a “critical infrastructure facility.” This could also raise constitutional concerns as a person who damaged property of another that was not a “critical infrastructure facility” would be punished more severely than a person who damaged a “critical infrastructure facility” even if the amount of damage was the same.

district court level would instead become felonies in the circuit courts.⁴ Felony cases are less likely to resolve without trial, take longer to resolve and are more costly to prosecute. Felony defendants are more likely to be held in jail pending trial and sentenced to prison, resulting in increased costs related to incarceration for the Department of Corrections and Rehabilitation. A defendant sentenced to probation for a Class C felony will also have a longer probationary term than a petty misdemeanor or misdemeanor defendant, which will increase the costs of supervision by the courts.

A final concern is the lack of a specific definition for the term “damage.” Left undefined, courts will have to rely on similar terms or subjects *in pari materia* (on the same subject matter). However, the lack of a specific definition will likely lead to unnecessary litigation and appellate challenges.

In sum, HB1798 is possibly unconstitutional, unnecessary and will increase costs to the State for prosecution, incarceration and supervision of convicted defendants. The OPD opposes HB1798.

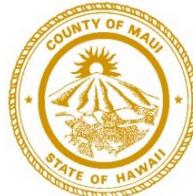
Thank you for the opportunity to comment on this measure.

⁴ Particularly to the OPD, the creation of a new offense under HB1798 would increase the number of circuit court cases. The felony attorneys at the OPD are already operating at higher-than-recommended case counts. If the Legislature intends to pass this measure it should be amended to add five additional Deputy Public Defender III positions (one for each of the five branches of the OPD – Maui, Kaua‘i, Kona, Hilo, O‘ahu) to the OPD to cover the increased workload.

RICHARD T. BISSEN, JR.
Mayor

ANDREW H. MARTIN
Prosecuting Attorney

SHELLY C. MIYASHIRO
First Deputy Prosecuting Attorney



DEPARTMENT OF THE PROSECUTING ATTORNEY

COUNTY OF MAUI
200 SOUTH HIGH STREET
WAILUKU, MAUI, HAWAII 96793
PHONE (808) 270-7777 • FAX (808) 270-7625

TESTIMONY ON H.B. 1798 RELATING TO PROPERTY DAMAGE OF CRITICAL INFRASTRUCTURE FACILITIES

January 29, 2026

The Honorable Greggor Ilagan
Chair
The Honorable Ikaika Hussey
Vice Chair
and Members of the Committee on Economic Development and Technology

Chair Ilagan, Vice Chair Hussey, and Members of the Committees:

The Department of the Prosecuting Attorney, County of Maui respectfully submits the following comments **in support of H.B. 1798, Relating to Property Damage of Critical Infrastructure Facilities**. This measure creates two new felony offenses relating to damage of critical infrastructure facilities.

The Department of the Prosecuting Attorney, County of Maui supports this bill because of our community's increasing reliance on the electrical grid to provide power for essential services like respiratory devices, temperature control and emergency response, as well as other public and private systems such as gas, water, and telecommunications networks. That increased reliance, in turn, makes us increasingly vulnerable to any criminal act that damages said infrastructure. While existing laws may cover particular acts or provide particular penalties, as a whole they do not completely address a scenario where an offender intentionally or knowingly damages critical infrastructure.

For these reasons, the Department of the Prosecuting Attorney, County of Maui **supports H.B. 1798**. Please feel free to contact our office at (808) 270-7777 if you have any questions or inquiries. Thank you very much for the opportunity to provide testimony on this bill.

LATE *Testimony submitted late may not be considered by the Committee for decision making purposes.

DEPARTMENT OF THE PROSECUTING ATTORNEY

KA 'OIHANA O KA LOIO HO'OPI'I

CITY AND COUNTY OF HONOLULU

ALII PLACE

1060 RICHARDS STREET • HONOLULU, HAWAII 96813

PHONE: (808) 768-7400 • FAX: (808) 768-7515 • WEB: <https://honoluluprosecutor.org/>

STEVEN S. ALM
PROSECUTING ATTORNEY
LOIO HO'OPI'I

THOMAS J. BRADY
FIRST DEPUTY PROSECUTING ATTORNEY
HOPE MUA LOIO HO'OPI'I



THE HONORABLE GREGGOR IIAGAN, CHAIR
HOUSE COMMITTEE ON ECONOMIC DEVELOPMENT AND TECHNOLOGY
Thirty-Third State Legislature
Regular Session of 2026
State of Hawai'i

January 29, 2026

RE: H.B. 1798; RELATING TO PROPERTY DAMAGE OF CRITICAL INFRASTRUCTURE FACILITIES

Chair Ilagan, Vice Chair Hussey, and members of the House Committee on Economic Development and Technology, the Department of the Prosecuting Attorney of the City and County of Honolulu submits the following comment on H.B. 1798.

H.B. 1798 establishes the offense of criminal property damage of critical infrastructure facilities. It prohibits any person from knowingly damaging a critical infrastructure facility without the owner or operator's consent.

H.B. 1798 employs the definition of "critical infrastructure" used in the computer crime statute.¹ Left undefined, however, is the meaning of the word "damage." Courts consult statutory canons of construction to resolve ambiguous terms.² Because the same law that defines "critical infrastructure" also defines "damage," the court would likely adopt that meaning. "Damage" would therefore mean "any impairment to the integrity or availability of data, a program, a system, a network, or computer services."³ This would address cases where the impairment of data integrity did not meet the threshold for computer damage in the first degree.

Thank you for the opportunity to testify.

¹ HRS § 708-890.

² *State v. Bright*, 147 Hawai'i 164, 170, 465 P.3d 611, 617 (2020) ("In the face of an ambiguity, we turn to traditional canons of construction to guide our interpretation.").

³ HRS § 708-890.



Charter Communications
Testimony of Rebecca Lieberman, Director of Government Affairs

HOUSE COMMITTEE ON ECONOMIC DEVELOPMENT & TECHNOLOGY

Hawaii State Capitol
Friday, January 30, 2026

SUPPORT FOR H.B. 1798 - RELATING TO PROPERTY DAMAGE OF CRITICAL INFRASTRUCTURE FACILITIES.

Chair Ilagan, Vice Chair Hussey, and Members of the Committee.

Thank you for the opportunity to provide testimony in **strong support** of H.B. 1798, a bill that establishes penalties for intentional damage to critical infrastructure facilities.

As the largest broadband provider in the state, Charter recognizes the severe consequences that vandalism, sabotage, or destruction of critical infrastructure can have on public safety, emergency communications, and economic stability. Hawaii's businesses and residents rely on secure and reliable connectivity. Damage to broadband and telecommunications infrastructure—whether through deliberate acts or negligence—can disrupt emergency response efforts, commerce, healthcare services, and educational access. A recent study highlights the scope of this problem¹. Establishing stronger protections and penalties for such offenses is essential to deterring attacks that could jeopardize public welfare.

In 2024, Charter extended its network to reach an additional 7,000 homes and small businesses in Hawaii, investing \$100 million across the state. Charter participated in the FCC's Emergency Broadband Benefit Program (EBB) and Affordable Connectivity Program (ACP), which helped connect over 59,000

¹ *Protecting the Nation's Critical Communications Infrastructure from Theft & Vandalism*, 2025, https://protectccci.org/wp-content/uploads/2025/10/CriticalAttacksReport_Oct25.pdf

eligible households in Hawaii with high-speed broadband. Broadband internet access is more important than ever and Charter offers a variety of affordable high-speed internet packages to meet all the connectivity and budget needs of our customers. With Spectrum Internet Assist, qualifying low-income families and seniors can receive high-speed internet for only \$15 per month.

Mahalo for the opportunity to testify in support and suggest proposed amendments H.B. 1798.



January 29, 2026

Representative Greggor Ilagan, Chair
House Committee on Economic Development & Technology
Hawai'i State Capitol, Room 419
Honolulu, HI 96813

Representative Ikaika Hussey, Vice Chair
House Committee on Economic Development & Technology
Hawai'i State Capitol, Room 320
Honolulu, HI 96813

RE: House Bill 1798/Senate Bill 2377 Amendment Request – Critical Telecommunications Infrastructure

Chair Ilagan and Vice Chair Hussey,

On behalf of CTIA®, the trade association for the wireless communications industry, I am writing in support of House Bill 1798/Senate Bill 2377 related to improved protections for telecommunications critical infrastructure.

At a time of exploding consumer demand for wireless services, our industry is working hard to deploy and upgrade infrastructure for Hawai'i communities. In 2024, the wireless industry invested \$29 billion in private funding to maintain and upgrade wireless networks, and approximately \$220 billion since 2018. These investments support consumers and fuel economic growth in Hawai'i, where the wireless industry employs approximately 23,000 residents and contributes \$2.1 billion to the state's GDP annually. However, ongoing criminal theft and vandalism of telecommunications infrastructure puts this progress at risk.

In recent years, a variety of factors have led to a significant uptick in the theft of copper and engineering equipment and destruction of telecommunications and broadband assets in Hawai'i and across the nation. During a one-year period in 2024-25, nearly 16,000 incidents of theft and vandalism were reported. While attention has focused on the price and resulting theft of copper, these incidents are impacting all types of wireless and broadband infrastructure. Perpetrators steal batteries and power cables from wireless towers and small cell sites, cut copper and other communication lines, and willfully and intentionally destroy wireless sites and fiber optic lines.

While we support the goals of House Bill 1798/Senate Bill 2377, we recommend an amendment to improve the impact of this bill:

SECTION 2. Section 708-890, Hawaii Revised Statutes, is amended by amending the definition of "critical infrastructure" to read as follows:



""Critical infrastructure" means publicly or privately owned or operated systems or assets vital to the defense, security, economic security, public health or safety, or any combination thereof, of the State or nation. "Critical infrastructure" includes:

- (1) *Gas and oil production, storage, and delivery systems;*
- (2) *Water supply systems;*
- (3) *Telecommunications networks;*
- (4) *Electrical power delivery systems;*
- (5) *Finance and banking systems;*
- (6) *Emergency services, such as medical, police, fire, and rescue services;*
- (7) *Transportation systems and services, such as highways, mass transit, airlines, and airports; [and]*
- (8) *Government operations that provide essential services to the public[.]; and*
- (9) *Broadband, wireless and cable television networks.*

Given the ongoing impacts of these incidents and our members' commitment to continue enhancing connectivity in Hawai'i communities, we strongly support this legislation and urge adoption of this amendment to make further improvements to the bill.

Sincerely,

Jeremy Crandall
Assistant Vice President
State Legislative Affairs



Written Statement of

**Jeannine Souki,
Senior Manager – Government & Regulatory Affairs**

HOUSE COMMITTEE ON ECONOMIC DEVELOPMENT & TECHNOLOGY

January 30, 2026, 10 AM
State Capitol, Conference Room 423 & Videoconference

SUPPORT FOR:

HB 1798 – RELATING TO PROPERTY DAMAGE OF CRITICAL FACILITIES

To: Chair Ilagan, Vice Chair Hussey, and Members of the Committee
RE: **Testimony providing strong support for HB1798**

Aloha Honorable Chair, Vice-Chair, and Members of the Committee:

Mahalo for the opportunity to provide testimony in strong support of HB1798, relating to property damage of critical facilities.

HB1798 establishes the offense of criminal property damage of a critical infrastructure facility when a person intentionally or knowingly damages critical infrastructure without consent and classifies the offense as a **Class C felony**. Importantly, the bill updates Hawai‘i law to explicitly include **broadband and cable television networks** within the definition of critical infrastructure.

Hawaiian Telcom supports this bill because broadband and communications networks are essential to public safety, economic activity, education, healthcare, and day-to-day life in Hawai‘i. Damage to these facilities disrupt emergency communications, limit access to medical and government services, and negatively impact businesses and residents statewide.

Theft and vandalism targeting communications infrastructure—often driven by the scrap value of copper—have increased significantly. On O‘ahu Hawaiian Telcom experienced two major outages caused by cuts or vandalism to our fiber network in 2025. These incidents cause costly repairs and service outages that can impact entire communities. HB1798 helps address this growing problem by providing stronger deterrence and giving law enforcement appropriate tools to hold offenders accountable.

For these reasons, Hawaiian Telcom respectfully urges the Committee to pass HB1798. Mahalo for your consideration.

HB-1798

Submitted on: 1/28/2026 9:42:54 AM
Testimony for ECD on 1/30/2026 10:00:00 AM

Submitted By	Organization	Testifier Position	Testify
Glen Kagamida	Individual	Support	Written Testimony Only

Comments:

STRONG SUPPORT!!!