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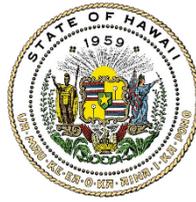
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February 9, 2026

**SB 2377: RELATING TO PROPERTY DAMAGE OF CRITICAL
INFRASTRUCTURE FACILITIES**

**Chair Wakai, Chair Fukunaga, Vice-Chair Chang, Vice-Chair Lee, Members
of the Committee on Energy and Intergovernmental Affairs, and Members of
the Committee on Public Safety and Military Affairs:**

The Office of the Public Defender (OPD) **opposes SB 2377** 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. SB 2377 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) 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. SB 2377 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 SB 2377 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, SB 2377 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 SB 2377 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, SB 2377 is possibly unconstitutional, unnecessary and will increase costs to the State for prosecution, incarceration and supervision of convicted defendants. The OPD opposes SB 2377.

Thank you for the opportunity to comment on this measure.

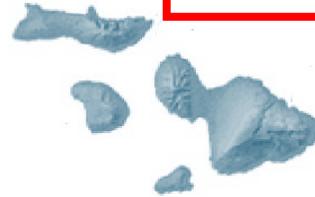
⁴ Particularly to the OPD, the creation of a new offense under SB 2377 would increase the number of circuit court cases. The felony attorneys at the OPD are already operating at higher-than-recommended case counts. If the Legislature intends to pass this measure it should be amended to add five additional 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.

LATE

RICHARD T. BISSEN, JR.
Mayor

ANDREW H. MARTIN
Prosecuting Attorney

SHELLY C. MIYASHIRO
First Deputy Prosecuting Attorney



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TESTIMONY ON
S.B. 2377
RELATING TO PROPERTY DAMAGE
OF CRITICAL INFRASTRUCTURE FACILITIES

February 8, 2026

The Honorable Glenn Wakai
Chair
The Honorable Stanley Chang
Vice Chair
and Members of the Committee on Energy and Intergovernmental Affairs

The Honorable Carol Fukunaga
Chair
The Honorable Chris Lee
Vice Chair
and Members of the Committee on Public Safety and Military Affairs

Chairs Wakai and Fukunaga, Vice Chairs Chang and Lee, and Members of the Committees:

The Department of the Prosecuting Attorney, County of Maui respectfully submits the following comments **in support of S.B. 2377, Relating to Property Damage of Critical Infrastructure Facilities**. This measure creates a new felony offense 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 infrastructure networks, such as electrical, water and telecommunications systems, 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 any part of 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.

We would also suggest the following amendment. Per the Department of the Prosecuting Attorney for the City and County of Honolulu in their testimony for companion bill HB 1798, the bill does not define the term “damages” for the new offense. Since there does not appear to be a general definition for “damages” in Chapter 708 and the bill’s definition of “critical infrastructure facility” is taken from the “Computer Crime” definition in HRS 708-890, a reviewing court would likely interpret that term using the HRS 708-890 definition of “damage”: “any impairment to the integrity or availability of data, a program, a system, a network, or computer services.” However, this link to HRS 708-890 also means that certain scenarios involving computer attacks may result in the new offense overlapping with offenses such as Computer Damage in HRS 708-892, 708-892.5 and -892.6, the first of which is a Class A felony. To avoid this, we suggest the following amendment:

(4) A conviction and sentence under this section shall be in addition to and not in lieu of any conviction and sentence for any offense; provided that the sentence imposed under this section may run concurrently or consecutively with the sentence for the other offense.

For these reasons, the Department of the Prosecuting Attorney, County of Maui **supports S.B. 2377**. 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.



February 9, 2026

Senator Carol Fukunaga, Chair
Senate Committee on
Public Safety and Military Affairs
Hawai'i State Capitol, Room 216
Honolulu, HI 96813

Senator Glenn Wakai, Chair
Senate Committee on Energy and
Intergovernmental Affairs
Hawai'i State Capitol, Room 407
Honolulu, HI 96813

Senator Chris Lee, Vice Chair
Senate Committee on
Public Safety and Military Affairs
Hawai'i State Capitol, Room 219
Honolulu, HI 96813

Senator Stanley Chang, Vice Chair
Senate Committee on Energy and
Intergovernmental Affairs
Hawai'i State Capitol, Room 226
Honolulu, HI 96813

RE: Senate Bill 2377 Amendment Request – Critical Telecommunications Infrastructure

Chairs Fukunaga and Wakai and Vice Chairs Lee and Chang,

On behalf of CTIA®, the trade association for the wireless communications industry, I am writing in support of 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 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



Charter Communications
Testimony of Rebecca Lieberman, Director of Government Affairs

SENATE COMMITTEES ON ENERGY & INTERGOVERNMENTAL AFFAIRS
AND PUBLIC SAFETY & MILITARY AFFAIRS

Hawaii State Capitol
Tuesday, February 10, 2026

SUPPORT FOR S.B. 2377 - RELATING TO PROPERTY DAMAGE OF CRITICAL INFRASTRUCTURE FACILITIES.

Chair Wakai, Chair Fukunaga, Vice Chair Chang, Vice Chair Lee, and Members of the Committees.

Thank you for the opportunity to provide testimony in **strong support** of S.B. 2377, 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 problem.¹ 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

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

over 59,000 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 of S.B. 2377.



Written Statement of

Jeannine Souki,
Senior Manager – Government & Regulatory Affairs

**SENATE COMMITTEES ON ENERGY & INTERGOVERNMENTAL AFFAIRS
AND
PUBLIC SAFETY & MILITARY AFFAIRS**

February 20, 2026, 3:07 PM
State Capitol, Conference Room 224 & Videoconference

SUPPORT WITH REQUESTED AMENDMENT FOR:

**SB 2377 – RELATING TO PROPERTY DAMAGE OF CRITICAL INFRASTRUCTURE
FACILITIES**

To: Chair Wakai, Vice Chair Chang, and Members of the PSM Committee
Chair Fukunaga, Vice Chair Lee, and Members of the EIG Committee

RE: **Testimony providing strong support and requested amendment for SB2377**

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

Mahalo for the opportunity to provide testimony in strong support of SB2377, relating to property damage of critical infrastructure facilities. In addition, Hawaiian Telcom respectfully requests a **clarifying amendment** to this measure.

SB2377 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**. It also **clarifies HRS Section 708-890 by adding “broadband and cable television networks” to the definition of “critical infrastructure.”**

Hawaiian Telcom supports both the creation of the offense and the expansion of the definition. We note, however, that Hawaiian Telcom’s broadband network—along with the copper, fiber, and other facilities that comprise our operating network—is already part of our **telecommunications network**. For this reason, we view our fiber network as already included within the current statutory term “telecommunication networks.” Nevertheless, explicitly adding “broadband” removes any ambiguity and ensures full clarity that fiber networks are covered.



Telecommunications networks, which rely on a range of technologies and materials including copper and fiber, are essential to **public safety, economic activity, education, healthcare, and the daily life of Hawai'i residents**. Damage to these facilities disrupts emergency communications, limits access to medical and government services, and negatively impacts businesses and communities statewide.

Because the definition of “critical infrastructure” in HRS §708-890 may apply to more than just the new offense proposed in this bill, we respectfully request that the Committee ensure the addition of broadband and cable television networks does not produce any unintended consequences in other statutory contexts. This is likely already addressed, but we raise it out of an abundance of caution.

To provide clarity and consistency, Hawaiian Telcom requests that the bill amend HRS §708-890 to read as follows:

(3) Telecommunications networks, including broadband;

(9) Cable television networks.

Theft and vandalism targeting communications infrastructure—often motivated by the scrap value of copper—have increased significantly. In 2025 alone, Hawaiian Telcom experienced two major outages on O‘ahu caused by fiber cuts or vandalism. These incidents resulted in costly repairs and service disruptions that affected entire communities. SB2377 will help address this serious and growing problem by strengthening deterrence and providing law enforcement with appropriate tools to hold offenders accountable.

For these reasons, Hawaiian Telcom respectfully urges the Committee to **pass SB2377 with the proposed clarifying amendment**. Mahalo for your consideration.

SB-2377

Submitted on: 2/6/2026 8:33:12 PM

Testimony for PSM on 2/10/2026 3:07:00 PM

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

Comments:

SUPPORT