

JAN 17 2020

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# A BILL FOR AN ACT

RELATING TO THE PENAL CODE.

**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 is  
3 fundamental to the health and welfare of not only its residents,  
4 visitors, and employees, but 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 purpose of this Act is to protect the public and  
10 critical electrical utilities by establishing the offense of  
11 trespassing on critical electrical infrastructure.

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

15           "§708-       Criminal trespass on critical electrical  
16 infrastructure. (1) A person commits the offense of criminal  
17 trespass on critical electrical infrastructure when:



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1        (a) The person intentionally enters or remains unlawfully  
2        on property of a critical electrical infrastructure  
3        with intent to commit therein a crime against a person  
4        or against property rights, and the property is fenced  
5        or enclosed in a manner designed to exclude intruders  
6        with posted warning signs; or

7        (b) The person recklessly disregards a risk that the  
8        property belongs to a critical electrical  
9        infrastructure company.

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

13       (3) Trespassing on a critical electrical infrastructure is  
14 a class C felony."

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

18       "Critical electrical infrastructure" means:

19       (1) A power plant;

20       (2) A power generation facility used specifically during  
21       times of high demand;



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- 1        (3) An electric transmission facility;
- 2        (4) An electric station or substation; or
- 3        (5) Any other facility used to support the generation,
- 4                transmission, or distribution of electricity.
- 5        "Critical electric infrastructure" does not include electric
- 6        transmission land or right-of-way that is not completely
- 7        enclosed and maintained by the electric utility."

8                SECTION 4. This Act does not affect rights and duties that

9        matured, penalties that were incurred, and proceedings that were

10        begun before its effective date.

11                SECTION 5. New statutory material is underscored.

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

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INTRODUCED BY: Clarence K. Mishler

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**Report Title:**

Penal Code; Property Rights; Critical Electrical Infrastructure

**Description:**

Establishes the criminal offense of trespassing on critical electrical infrastructure.

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

