

STAND. COM. REP. NO.

2569

Honolulu, Hawaii

FEB 13 2020

RE: S.B. No. 2515  
S.D. 1

Honorable Ronald D. Kouchi  
President of the Senate  
Thirtieth State Legislature  
Regular Session of 2020  
State of Hawaii

Sir:

Your Committee on Commerce, Consumer Protection, and Health,  
to which was referred S.B. No. 2515 entitled:

"A BILL FOR AN ACT RELATING TO THE PENAL CODE,"

begs leave to report as follows:

The purpose and intent of this measure is to establish the  
criminal offense of trespassing on critical electrical  
infrastructure.

Your Committee received testimony in support of this measure  
from the Department of the Attorney General and Hawaiian Electric  
Company, Inc.

Your Committee finds that Hawaii residents, businesses, and  
others rely greatly on the resilience of the electric grid and the  
delivery of safe, clean, and reliable electricity. Protecting  
critical electric infrastructure from theft and vandalism also  
helps to protect the public and electric utility employees from  
the serious dangers associated with compromised electrical  
infrastructure. Outages caused by trespassers can last for days,  
even months, and can result in immeasurable costs to the State's  
residents, business, and military partners.

Your Committee heard the concerns raised during the public  
hearing on this measure that the recommendations of the Department  
of the Attorney General, as outlined in its testimony, may be




overly broad. Additionally, concerns were raised that the definition of "critical electric infrastructure" is not limited to the actual operating or functioning parts of an electrical power plant or power generating facility, thereby possibly restricting a person's right to peacefully assemble or protest at or near parts of the power plant or power generating facility that are not responsible for the actual generation or transmission of electricity. Your Committee finds that these issues and concerns merit further consideration and requests that your Committee on Judiciary consider the amendments recommended by the Department of the Attorney General and weigh them against the public's right to peacefully assemble.

Your Committee has amended this measure by:

- (1) Limiting the definition of "critical electric infrastructure" to operational or functional areas;
- (2) Clarifying "critical electric infrastructure" does not include support offices; and
- (3) Inserting an effective date of July 1, 2050, to encourage further discussion.

As affirmed by the record of votes of the members of your Committee on Commerce, Consumer Protection, and Health that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 2515, as amended herein, and recommends that it pass Second Reading in the form attached hereto as S.B. No. 2515, S.D. 1, and be referred to your Committee on Judiciary.

Respectfully submitted on  
behalf of the members of the  
Committee on Commerce, Consumer  
Protection, and Health,



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ROSALYN H. BAKER, Chair



