



**WRITTEN TESTIMONY OF
THE DEPARTMENT OF THE ATTORNEY GENERAL
THIRTIETH LEGISLATURE, 2020**

LATE

ON THE FOLLOWING MEASURE:

H.B. NO. 2454, H.D. 1, RELATING TO CRITICAL ELECTRICAL INFRASTRUCTURE.

BEFORE THE:

HOUSE COMMITTEE ON JUDICIARY

DATE: Tuesday, February 25, 2020 **TIME:** 2:00 p.m.

LOCATION: State Capitol, Room 325

TESTIFIER(S): Clare E. Connors, Attorney General, or
Kory W. Young, Deputy Attorney General

Chair Lee and Members of the Committee:

The Department of the Attorney General supports the bill, but recommends the following addition.

H.B. NO. 2454, H.D. 1 seeks to ensure the security of Hawaii's critical electrical infrastructure by making trespassing onto these properties a class C felony.

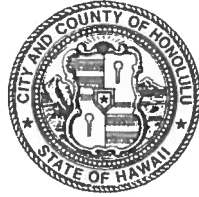
Criminal statutes have been successfully challenged in cases where specific terms were insufficiently defined. Adding a definition for the term "critical electrical infrastructure company," as it is used in subsection 1(b) on page 3, lines 1 through 3, would alleviate this concern.

A "critical electrical infrastructure company" could be defined as any company, business, corporation, or other financial entity that owns, manages, or has operational control over critical electrical infrastructure.

Thank you for the opportunity to provide comments on the bill.

POLICE DEPARTMENT
CITY AND COUNTY OF HONOLULU

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OUR REFERENCE **GB-KK**

February 25, 2020

The Honorable Chris Lee, Chair
and Members
Committee on Judiciary
House of Representatives
Hawaii State Capitol
415 South Beretania Street, Room 325
Honolulu, Hawaii 96813

Dear Chair Lee and Members:

SUBJECT: House Bill No. 2454, H.D. 1, Relating to Critical Electrical Infrastructure

I am Gail Beckley, Captain of the Criminal Investigation Division of the Honolulu Police Department (HPD), City and County of Honolulu.

The HPD supports House Bill No. 2454, H.D. 1, Relating to Critical Electrical Infrastructure.

Attacks on critical infrastructure, specifically electrical infrastructure, could be used to cause widespread panic and create economic distress. The infrastructure risk associated with criminal threats include vandalism, copper theft, and unauthorized access into the facility. The government's primary responsibilities are to ensure the health, safety, and security of its citizen; thus having a vested interest in protecting these facilities. This bill will emphasize the importance in protecting our electrical power plants and deter criminal activity by making trespassing on these facilities a felony.

The HPD urges you to support House Bill No. 2454, H.D. 1, Relating to Critical Electrical Infrastructure.

Thank you for the opportunity to testify.

APPROVED:

A handwritten signature in cursive script that reads "Susan Ballard".

Susan Ballard
Chief of Police

Sincerely,

A handwritten signature in cursive script that reads "Gail Beckley".

Gail Beckley, Captain
Criminal Investigation Division



**Hawaiian
Electric**

**TESTIMONY BEFORE THE HOUSE
COMMITTEE ON JUDICIARY**

H.B. 2454, HD1

Relating to Critical Electrical Infrastructure

Tuesday, February 25, 2020
2:00 p.m., Agenda Item #18
State Capitol, Conference Room 325

Cary Okimoto
Security Supervisor
Hawaiian Electric Company, Inc.

Dear Chair Lee, Vice Chair San Buenaventura, and Members of the Committee,

My name is Cary Okimoto and I am testifying on behalf of Hawaiian Electric Company, Inc. (Hawaiian Electric) in **support of H.B. 2454, HD1** Relating to Critical Electrical Infrastructure. The purpose for this bill is to protect the public and electric utility employees from the serious dangers associated with compromised electrical infrastructure and to ensure the resilience of the electric grid that residents, businesses and others rely on for the delivery of safe, clean and reliable electricity.

Under the current law, existing trespass laws do not provide a proportionate level of protection for such a critical and essential resource. Currently, if an individual is convicted of Criminal Trespass in the First Degree (708-813), he or she may receive up to a year in jail and/or pay a fine of up to \$1,000, which is not enough of a deterrent. Hawaiian Electric's secured facilities, many of which are high-voltage and dangerous environments, are compromised on a regular basis, and while we have implemented tools to deter such activity, including but not limited to, securing our facilities with fencing and installing cameras and signage, these tools are not sufficient in deterring

trespassing of our critical facilities. Hawaiian Electric believes with increased penalties – it would be a stronger deterrent to those who unlawfully access Hawaiian Electric properties and intentionally or knowingly commit acts of vandalism or theft in pursuit of personal gain or benefit. The impact and duration of a major electrical outage caused by those individuals could last for days or even months. The outages caused by trespassers result in immeasurable costs to our State’s residents, businesses and military partners.

Accordingly, Hawaiian Electric strongly supports H.B. 2454, HD1. Thank you for this opportunity to testify.