



Hawaiian
Electric

LATE

**TESTIMONY BEFORE THE SENATE
COMMITTEE ON JUDICIARY**

S.B. 2515, SD1

Relating to the Penal Code

Thursday, February 27, 2020
10:15 a.m., Agenda Item #2
State Capitol, Conference Room 016

Cary Okimoto
Security Supervisor
Hawaiian Electric Company, Inc.

Dear Chair Rhoads, Vice Chair Keohokalole 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 S.B. 2515, SD1**, 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 S.B. 2515, SD1. Thank you for this opportunity to testify.



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February 26, 2020

Senator Karl Rhoads, Chair
Senator Jarrett Keohokalole, Vice Chair
House Committee on Judiciary

Comments in Support of, and Proposed Amendments to SB 2515, SD1, RELATING TO THE PENAL CODE (Establishes the criminal offense of trespassing on critical electrical infrastructure; effective on 7/1/2050. [SD1])

JUD Hrg: Thursday, February 27, 2020, at 10:15 a.m., in Conf. Rm. 016

The Land Use Research Foundation of Hawaii (LURF) is a private, non-profit research and trade association whose members include major Hawaii landowners, developers and utility companies. LURF’s mission is to advocate for reasonable, rational and equitable land use planning, legislation and regulations that encourage well-planned economic growth and development, while safeguarding Hawaii’s significant natural and cultural resources, and public health and safety.

LURF members include Hawaiian Electric, Hawaii Gas and other large landowners and developers who set aside land, build, operate and maintain critical electric infrastructure, as well as other critical utility infrastructure, ” including private utilities regulated by the Public Utilities Commission (PUC) relating to electricity, gas, telecommunications and certain private water and sewer companies, as well as setting aside lands and installing infrastructure for county water, sewer and state civil defense. All of Hawaii residents, businesses and others rely greatly on the resilience of these “critical utilities” and infrastructure for the safe, clean and reliable delivery of utility services.

LURF appreciates the opportunity to express its **strong support of SB 2515, SD1, and respectfully requests an amendment to broaden the application of this measure from protecting just “critical electrical infrastructure” to protecting all “critical utility infrastructure,”** and to define the term “**critical utility**” to include certain utilities regulated by the Public Utilities Commission (PUC) relating to electricity, gas, telecommunications and specific private water and sewer companies, as well as county water and sewer infrastructure and State civil defense infrastructure.

SB 2515, SD1. The purpose of this bill is currently limited to protect the public and critical electrical utilities by establishing the offense of trespassing on critical electrical infrastructure.

LURF's Position. LURF strongly supports the original purpose of this bill and understands that the Honolulu Fire Department has responded to incidents involving trespassing into critical electrical infrastructure facilities which have resulted in serious injury and, at least in one case, a fatality. LURF also understands that the trespassers commit acts of vandalism or theft and have caused electrical outages. According to the county fire departments and Hawaiian Electric, it appears that the existing trespass laws do not provide a proportionate level of protection for electrical resources, and do not deter continuing trespassing, vandalism and theft.

LURF also believes that it is important to protect the public and the infrastructure and employees of **all critical utilities**, to ensure reliable critical electrical and utility service in the State, by strengthening the trespass laws to deter and decrease damage to critical electrical and utility infrastructure caused by trespassing, vandalism and theft.

Thus, LURF also supports an **amendment to include other critical utilities** and believes that such an amendment would provide a proportionate level of protection for the State's key critical utility resources, services and employees, by making criminal trespass on critical electrical and utility infrastructure a felony.

For the reasons set forth above, LURF is **in strong support of SB 2515, SD1**, together with and the **proposed amendment to broaden its application from just "critical electrical infrastructure" to "critical utility infrastructure,"** and respectfully urges your favorable consideration of this bill and the proposed amendment.

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SB-2515-SD-1

Submitted on: 2/26/2020 6:54:04 PM

Testimony for JDC on 2/27/2020 10:15:00 AM

Submitted By	Organization	Testifier Position	Present at Hearing
Michael W Sawamoto	Individual	Support	No

Comments:

LATE

SB-2515-SD-1

Submitted on: 2/27/2020 9:35:32 AM

Testimony for JDC on 2/27/2020 10:15:00 AM

Submitted By	Organization	Testifier Position	Present at Hearing
Rayne	Individual	Support	No

Comments: