



**TESTIMONY OF
THE DEPARTMENT OF THE ATTORNEY GENERAL
KA 'OIHANA O KA LOIO KUHINA
THIRTY-THIRD LEGISLATURE, 2025**

ON THE FOLLOWING MEASURE:

S.B. NO. 371, S.D. 2, RELATING TO PROPERTY DAMAGE OF CRITICAL INFRASTRUCTURE FACILITIES.

BEFORE THE:

HOUSE COMMITTEE ON PUBLIC SAFETY

DATE: Wednesday, March 12, 2025 **TIME:** 9:30 a.m.

LOCATION: State Capitol, Room 411

TESTIFIER(S): Anne E. Lopez, Attorney General, or
Tricia M. Nakamatsu, Deputy Attorney General

Chair Belatti and Members of the Committee:

The Department of the Attorney General (Department) provides the following comments and suggested amendments.

The purpose of this bill is to create two new offenses: (1) Criminal Property Damage of a Critical Infrastructure Facility in the First Degree, a Class A felony, and (2) Criminal Property Damage of a Critical Infrastructure Facility in Second Degree, a Class B felony. These proposed offenses would complement existing statutes by establishing heightened penalties if a person damages a critical infrastructure facility and the damage results in widespread community effects. Although section 708-892, Hawaii Revised Statutes (HRS), Computer Damage in the First Degree, addresses damage to the computers, computer systems, and computer networks that manage or control any critical infrastructure in Hawaii, it does not cover **direct** damages to critical infrastructure.

To further improve clarity, the Department recommends amending section 708-A(1) (page 1, line 4, through page 2, line 4) to read as follows (underscoring removed from original material in bill, to Ramseyer additional changes):

- (1) A person commits the offense of criminal property damage of a critical infrastructure facility in the first degree if the person intentionally or

knowingly damages any critical infrastructure facility without the owner or operator's consent ~~[and]~~:

- (a) ~~[Recklessly]~~ And recklessly or negligently causes ~~[damage]~~:
 - (i) Damage in an amount exceeding \$20,000; and ~~[recklessly or negligently causes substantial]~~
 - (ii) Substantial impairment of the critical infrastructure facility; or
- (b) ~~[Knowingly uses]~~ Using a firearm, drone, or explosive weapon in the commission of the offense, and recklessly or negligently causes substantial impairment of the critical infrastructure facility.

With regard to the definition of "critical infrastructure," the definition from section 708-890, HRS, already includes "telecommunications systems," such as broadband networks and cable television networks. If the Committee wishes to emphasize that these particular types of telecommunication networks are included within the term as used under section 708-890, the Department recommends amending the wording on page 2, line 18-21, as follows (underscoring removed from new material in bill, to Ramseyer additional changes):

""Critical infrastructure facility" has the same meaning as "critical infrastructure" defined in section 708-890~~[- provided that for sections 708-A and 708-B "critical infrastructure facility" shall include]~~, including but not limited to broadband and cable television networks.

Thank you for the opportunity to testify on this matter.

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Testimony of the Office of the Public Defender to the House Committee on Public Safety
regarding SB371, SD 2: RELATING TO PROPERTY DAMAGE OF CRITICAL
INFRASTRUCTURE

Rep. Della Au Belatti Chair, Rep. Kim Coco Iwamoto Vice Chair, and Members of the
Committee

The Office of the Public Defender (OPD) respectfully **OPPOSES SB 371, SD 2**

There are existing criminal charges to deal with those persons that would damage critical infrastructure. Criminal Property Damage in the First Degree, Haw. Rev. Stat. § 708-820, which requires that the damaged property exceed \$20,000 is a Class B felony, which carries a prospective sentence of up to 10 years in prison and a \$25,000 fine. In the federal system, there is existing statutory language in federal 18 U.S. Code § 1366 - Destruction of an energy facility, which requires the willful or knowing damage of property exceed \$100,000. Under these statutes the state of mind is consistent regarding conduct, attendant circumstances, and the results of said conduct. However, SB 371, SD 2 mixes the states of mind so that if a person intentionally or knowingly damages a critical infrastructure facility, without the owners consent, intending only to cause minor damage, but the unintended or unexpected result of this conduct is damage in the amount of \$20,000 or the substantial impairment of critical infrastructure, and said person knew of or should have known of a risk of committing said amount of damage or impairment, said person is guilty of a class A felony punishable by 20 years of incarceration. This type of criminal liability is inconsistent with current Criminal Property Damage statutes in our state, and the OPD feels that this would be an overly harsh penalty for reckless or negligent responsibility. In comparison, the reckless killing of another person (manslaughter) is a class A felony, and the negligent killing of another person (negligent homicide in the first degree) is a class B felony.

Even the federal statute cited above requires that a defendant willfully or knowingly cause damage to property valued at \$100,000 in order to be found guilty. Critical infrastructure equipment is expensive, and the values of said items are not well known. Thus, persons involved in the proposed proscribed behavior may not be aware that their actions can have such costly consequences. It maybe a better strategy to clearly prohibit the intentional or knowing damage to any critical infrastructure facility and hold individuals criminally liable for what they intended.

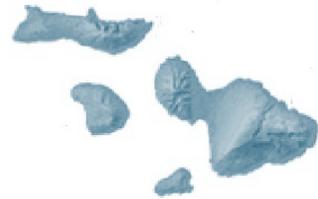
In the state of Hawai'i, as in the federal statute cited above, one can be prosecuted for an attempt to cause a certain level of damage, regardless of whether said damage actually occurs. Thus, bad actors will be punished for what they intend, and not for the reckless or negligent results that are unforeseen. This is a matter of fairness in the prosecution of criminal behavior.

Thank you for the opportunity to comment on this measure.

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. 371 SD2
RELATING TO PROPERTY DAMAGE
OF CRITICAL INFRASTRUCTURE FACILITIES

March 10, 2025

The Honorable Della Au Belatti
Chair
The Honorable Kim Coco Iwamoto
Vice Chair
and Members of the Committee on Public Safety

Chair Belatti, Vice Chair Iwamoto, and Members of the Committees:

The Department of the Prosecuting Attorney, County of Maui respectfully submits the following comments **in support of S.B. 371 SD2, Relating to Property Damage of Critical Infrastructure Facilities**. This measure creates two new felony offenses 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 the electrical grid to provide power 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 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.

For these reasons, the Department of the Prosecuting Attorney, County of Maui **supports S.B. 371 SD2**. 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.



Charter Communications
Testimony of Rebecca Lieberman, Director of Government Affairs

HOUSE COMMITTEE ON PUBLIC SAFETY

Hawaii State Capitol
Wednesday, March 12, 2025

SUPPORT FOR S.B. 371, S.D. 2 - RELATING TO PROPERTY DAMAGE OF CRITICAL INFRASTRUCTURE FACILITIES.

Chair Belatti, Vice Chair Iwamoto, and Members of the Committee.

Thank you for the opportunity to provide testimony in **strong support** of S.B. 371, S.D. 2, 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 problem¹. Establishing stronger protections and penalties for such offenses is essential to deterring attacks that could jeopardize public welfare.

In 2023, Charter extended its network to reach an additional 9,000 homes and small businesses in Hawaii, investing \$96 million across the state. Charter participated in the FCC's Emergency Broadband Benefit Program (EBB) and Affordable Connectivity Program (ACP), which helped connect over 59,000

¹ *Protecting the Nation's Critical Communications Infrastructure from Theft & Vandalism, 2024*, https://www.ncta.com/sites/default/files/2024-11/NCTA_Vandalism_2024_Report_final.pdf

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 \$25 per month.

Mahalo for the opportunity to testify in support and suggest proposed amendments for S.B. 371, S.D. 2.



**Hawaiian
Electric**

TESTIMONY BEFORE THE HOUSE COMMITTEE ON PUBLIC SAFETY

**SB 371, SD2
Relating to Property Damage of Critical Infrastructure Facilities**

Wednesday, March 12, 2025
9:30 AM
State Capitol, Conference Room 411

Jonathon Grems
Security Manager
Hawaiian Electric

Dear Chair Belatti, Vice Chair Iwamoto, and Members of the Committee,

My name is Jonathon Grems, and I am testifying on behalf of Hawaiian Electric in strong support of SB 317, SD2, Relating to Property Damage of Critical Infrastructure Facilities.

This legislation represents a proactive step in addressing increasing threats to our state's electrical grid and other critical infrastructure systems. SB371, SD2 helps ensure successful prosecution and acknowledges the gravity of sabotage or deliberate attacks on critical infrastructure which could have far-reaching consequences, impacting public safety, community well-being, and our organization's ability to deliver uninterrupted services. By enacting this bill, Hawai'i will bolster the protection of critical infrastructure and deter malicious actors from damaging our systems.

We urge your committee and the Legislature to pass SB371, SD2. This bill demonstrates the state's dedication to safeguarding essential infrastructure and prioritizing the safety and security of its residents.

Accordingly, Hawaiian Electric strong supports SB 317, SD2. Thank you for this opportunity to testify.



March 11, 2025

Representative Della Au Belatti, Chair
House Committee on Public Safety
Hawai'i State Capitol, Room 420
415 S Beretania St
Honolulu, HI 96813

Representative Kim Coco Iwamoto, Vice Chair
House Committee on Public Safety
Hawai'i State Capitol, Room 327
415 S Beretania St
Honolulu, HI 96813

RE: Support for SB 371 – Relating to Property Damage of Critical Infrastructure

Chair Belatti and Vice Chair Iwamoto,

On behalf of CTIA®, the trade association for the wireless communications industry, I am writing in support of Senate bill 371 related to improved protections for telecommunications critical infrastructure in Hawai'i.

At a time of exploding consumer demand for wireless services, when wireless connectivity is of critical importance to public safety, health care, transportation and the economy, our industry is working hard to deploy and upgrade infrastructure for Hawai'i communities. In 2023, the wireless industry invested \$30 billion in private funding to improve connectivity for consumers, and \$190 billion since 2018. These investments support consumers and fuel economic growth in the state, 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 economic factors have led to a significant uptick in theft of copper and other metals, theft of engineering equipment and destruction of telecommunications assets in Hawai'i and across the nation. In 2024 alone, nearly 4,000 incidents of theft and vandalism were reported between June and August. While considerable attention has focused on the price and resulting theft of copper, these vandalism incidents are increasingly impacting all manner of telecommunications infrastructure. Perpetrators steal batteries and power cables from wireless towers and small cell sites, cut copper and other communication lines for resale, and even willfully and intentionally destroy wireless sites and fiber optic lines.

The impacts of these incidents are broad-ranging and significant. Disruption of 911 systems and law enforcement communications can delay emergency response times, especially in rural communities. Our health care networks heavily depend on broadband connectivity for patient care, access to medical records, medical devices and telemedicine services. Our transportation systems – airports, railways and highways – depend on connectivity. In recent years, all of these sectors and many others have been



directly impacted by telecommunications vandalism, leading to both economic losses and increased risks to public health and safety.

As you know, Senate Bill 371 would expand the state's definition of "Critical infrastructure facility" to include broadband as well as take other policy actions to protect this infrastructure. Given the ongoing impacts of these incidents and our members' commitment to continue improving connectivity in Hawai'i communities, we support this legislation.

Sincerely,

Jeremy Crandall
Assistant Vice President
State Legislative Affairs

SB-371-SD-2

Submitted on: 3/11/2025 7:00:36 AM

Testimony for PBS on 3/12/2025 9:30:00 AM

Submitted By	Organization	Testifier Position	Testify
Frank Schultz	Individual	Support	Written Testimony Only

Comments:

I support this initiative.