



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

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**ON THE FOLLOWING MEASURE:**

S.B. NO. 371, S.D. 1, RELATING TO PROPERTY DAMAGE OF CRITICAL INFRASTRUCTURE FACILITIES.

**BEFORE THE:**

SENATE COMMITTEE ON JUDICIARY

**DATE:** Wednesday, February 26, 2025      **TIME:** 9:40 a.m.

**LOCATION:** State Capitol, Room 016

**TESTIFIER(S):**      **WRITTEN TESTIMONY ONLY.**

(For more information, contact Tricia M. Nakamatsu,  
Deputy Attorney General, at 808-586-1500)

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Chair Rhoads 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. In addition, the bill defines relevant terms and classifies these offenses as manslaughter when they result in the death of another person.

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.

The Department recommends removing section 3 of the bill, which amends section 707-702(1), HRS, by adding a paragraph (c) that makes commission of an offense under the new sections of the bill a manslaughter offense if the conduct causes the death of another person. Even without this amendment to section 707-702, HRS,

prosecutors can charge Manslaughter under existing section 707-702(1)(a) (recklessly causing the death of another person), in addition to the offense of Criminal Property Damage of a Critical Infrastructure Facility in the First or Second Degree. Allowing section 707-702 to remain unamended helps to cover the various levels of culpability; if a jury finds that prosecutors did not prove the intentional or knowing state of mind to convict a defendant for Criminal Property Damage of a Critical Infrastructure Facility in the First or Second Degree, the jury could still convict on the reckless state of mind for Manslaughter.

As an alternative, if the Committee wishes to increase Criminal Property Damage of a Critical Infrastructure Facility in the Second Degree to a Class A felony in cases where the offense results in death of another person, the Department recommends amending new section 708-B, on page 2, lines 5 to 14, by amending new subsection (2) and adding subsections (3) and (4), to read as follows (underscoring removed from new material in bill, to Ramseyer additional changes):

(2) ~~[Criminal]~~ Except as provided in subsection (3), criminal property damage of a critical infrastructure facility in the second degree is a class B felony.

(3) The offense of criminal property damage of a critical infrastructure facility in the second degree is a class A felony if the commission of the offense causes the death of another person.

(4) The state of mind requirement for subsection (3) shall not be applicable to whether the person was aware that the person's actions would cause the death of another person. A person shall be strictly liable with respect to the result if there is sufficient evidence to establish that the offense caused the death of another person.

Because Criminal Property Damage of a Critical Infrastructure Facility in the First Degree is already a Class A felony, there is no higher penalty unless the Committee wishes to impose a mandatory minimum term of imprisonment. A mandatory minimum term of imprisonment could be established by inserting subsections (3) and (4) in section 708-A after page 2, line 4, as follows:

(3) The person shall be sentenced to an indeterminate term of imprisonment of twenty years pursuant to section 706-659 with a mandatory minimum term of imprisonment of \_\_\_\_\_ years without

possibility of parole, if the commission of the offense causes the death of another person.

(4) The state of mind requirement for subsection (3) shall not be applicable to whether the person was aware that the person's actions would cause the death of another person. A person shall be strictly liable with respect to the result if there is sufficient evidence to establish that the offense caused the death of another person.

Thank you for the opportunity to testify on this matter.



Charter Communications  
Testimony of Rebecca Lieberman, Director of Government Affairs

**SENATE COMMITTEE ON JUDICIARY**

Hawaii State Capitol  
Wednesday, February 26, 2025

**SUPPORT FOR S.B. 371, S.D. 1 - RELATING TO PROPERTY DAMAGE OF CRITICAL INFRASTRUCTURE FACILITIES.**

Chair Rhoads, Vice Chair Gabbard, and Members of the Committee.

Thank you for the opportunity to provide testimony on S.B. 371, S.D. 1, a bill that establishes penalties for intentional damage to critical infrastructure facilities. We **support the intent of this bill** and **propose amendments**.

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 problem<sup>1</sup>. Establishing stronger protections and penalties for such offenses is essential to deterring attacks that could jeopardize public welfare.

In order to ensure that critically important broadband services are further safeguarded by this measure, Charter respectfully requests that the definition of “critical infrastructure facility” be amended

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<sup>1</sup> *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](https://www.ncta.com/sites/default/files/2024-11/NCTA_Vandalism_2024_Report_final.pdf)

to explicitly include broadband and cable networks. This will ensure that these essential services receive the same protections as other critical infrastructure.

- Amend Page 2, Lines 18-19:

"Critical infrastructure facility" has the same meaning as "critical infrastructure" defined in section 708-890 but for purposes of section 708-A and section 708-B shall also include broadband and cable television networks.

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 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 \$15 per month.

Mahalo for the opportunity to testify in support and suggest proposed amendments for S.B. 371, S.D. 1.