A BILL FOR AN ACT

RELATING TO THE PENAL CODE.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF HAWAII:

SECTION 1. The legislature finds that the security and resilience of Hawaii's critical electrical infrastructure is fundamental to the health and welfare of not only its residents, visitors, and employees, but to the national defense of the country. The legislature acknowledges that modern society functions because of safe, affordable, and reliable electrical power. However, existing trespassing laws do not provide a proportionate level of protection for such a key resource.

The purpose of this Act is to protect the public and critical electrical utilities by establishing the offense of trespassing on critical electrical infrastructure.

SECTION 2. Chapter 708, Hawaii Revised Statutes, is amended by adding a new section to be appropriately designated and to read as follows:

"§708- Criminal trespass on critical electrical infrastructure. (l) A person commits the offense of criminal trespass on critical electrical infrastructure when:
(a) The person intentionally enters or remains unlawfully on property of a critical electrical infrastructure with intent to commit therein a crime against a person or against property rights, and the property is fenced or enclosed in a manner designed to exclude intruders with posted warning signs; or

(b) The person recklessly disregards a risk that the property belongs to a critical electrical infrastructure company.

(2) An act occurs in the course of committing the offense if it occurs in effecting entry or while on the property or in immediate flight therefrom.

(3) Trespassing on a critical electrical infrastructure is a class C felony."

SECTION 3. Section 708-800, Hawaii Revised Statutes, is amended by adding a new definition to be appropriately inserted and to read as follows:

"'Critical electrical infrastructure' means areas integral to the operation or function of:

(1) A power plant;
(2) A power generation facility used specifically during times of high demand;

(3) An electric transmission facility;

(4) An electric station or substation; or

(5) Any other facility used to support the generation, transmission, or distribution of electricity.

"Critical electric infrastructure" does not include support offices, electric transmission land, or right-of-way that is not completely enclosed and maintained by the electric utility."

SECTION 4. This Act does not affect rights and duties that matured, penalties that were incurred, and proceedings that were begun before its effective date.

SECTION 5. New statutory material is underscored.

SECTION 6. This Act shall take effect on July 1, 2050.
Report Title:
Penal Code; Property Rights; Critical Electrical Infrastructure

Description:
Establishes the criminal offense of trespassing on critical electrical infrastructure. Effective 7/1/2050. (SD1)

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