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 property.

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 property. (1) A person commits the offense of criminal trespass on critical electrical infrastructure property
when the person intentionally and unlawfully enters or remains
on critical electrical infrastructure property 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.

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

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

"'Critical electrical infrastructure" means facilities,
structures, and equipment that are essential for the generation,
transmission, or distribution of electricity, including but not
limited to:

(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
Any other facility, structure, or equipment that is essential in the generation, transmission, or distribution of electricity.

"Critical electric infrastructure property" means real property on which critical electric infrastructure is located, but does not include support offices, electric transmission land, or rights-of-way that are 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 Property

Description:
Establishes the criminal offense of trespassing on critical electrical infrastructure property. Effective 7/1/2050. (SD2)

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