

RE: S.B. No. 2515
S.D. 1

Honorable Ronald D. Kouchi
President of the Senate
Thirtieth State Legislature
Regular Session of 2020
State of Hawaii
Sir:

Your Committee on Commerce, Consumer Protection, and Health, to which was referred S.B. No. 2515 entitled:
"A BILL FOR AN ACT RELATING TO THE PENAL CODE,"

begs leave to report as follows:

The purpose and intent of this measure is to establish the criminal offense of trespassing on critical electrical infrastructure.

Your Committee received testimony in support of this measure from the Department of the Attorney General and Hawaiian Electric Company, Inc.

Your Committee finds that Hawaii residents, businesses, and others rely greatly on the resilience of the electric grid and the delivery of safe, clean, and reliable electricity. Protecting critical electric infrastructure from theft and vandalism also helps to protect the public and electric utility employees from the serious dangers associated with compromised electrical infrastructure. Outages caused by trespassers can last for days, even months, and can result in immeasurable costs to the State's residents, business, and military partners.

Your Committee heard the concerns raised during the public hearing on this measure that the recommendations of the Department of the Attorney General, as outlined in its testimony, may be overly broad. Additionally, concerns were raised that the definition of "critical electric infrastructure" is not limited to the actual operating or functioning parts of an electrical power plant or power generating facility, thereby possibly restricting a person's right to peacefully assemble or protest at or near parts of the power plant or power generating facility that are not responsible for the actual generation or transmission of electricity. Your Committee finds that these issues and concerns merit further consideration and requests that your Committee on Judiciary consider the amendments recommended by the Department of the Attorney General and weigh them against the public's right to peacefully assemble.

Your Committee has amended this measure by:

- (1) Limiting the definition of "critical electric infrastructure" to operational or functional areas;
- (2) Clarifying "critical electric infrastructure" does not include support offices; and
- (3) Inserting an effective date of July 1, 2050, to encourage further discussion.

As affirmed by the record of votes of the members of your Committee on Commerce, Consumer Protection, and Health that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 2515, as amended herein, and recommends that it pass Second Reading in the form attached hereto as S.B. No. 2515, S.D. 1, and be referred to your Committee on Judiciary.

Respectfully submitted on behalf of the members of the Committee on
Commerce, Consumer Protection, and Health,

ROSALYN H. BAKER, Chair