



**House
Legislative
Analysis
Section**

Washington Square Building, Suite 1025
Lansing, Michigan 48909
Phone: 517/373-6466

BUFFER ZONE FOR PRISON FACILITIES

House Bill 4762 with committee amendments
First Analysis (5-15-89)

RECEIVED

Sponsor: Rep. Donald Van Singel
Committee: Corrections

Mich. State Law Library

avoid conflicts with neighboring residential areas. The bill would required proper set backs or buffer zones to avoid future problems.

POSITIONS:

The Department of Corrections supports the bill. (5-10-89)

H.B. 4762 (5-15-89)

THE APPARENT PROBLEM:

Complaints have been received from neighbors of the new Carson City Regional Prison that one of facility's buildings that is now under construction is too close to a neighboring farmhouse. Of particular concern to the neighbors is the fact that the prison is approximately 100 feet from the farmhouse, which means that inmates on prison grounds are within sight of children playing in the farmhouse yard. In addition, the proximity of the prison to the house means that the high prison lights shine in windows at night. The prison loud speakers and siren also create an annoyance.

Original plans for the facility would have placed the prison building farther away from the farmhouse, with a "landscaped buffer area," behind the prison fence. The construction site proved unsuitable for construction, however, the site plans were altered, and the prison is now close to the fence, directly across the road from the farmhouse. There is very little that can be done at this point in construction to alter the Carson City site; however, it is felt that legislation should be introduced to make sure that future prison facilities don't cause these problems.

THE CONTENT OF THE BILL:

The bill would amend the Department of Corrections act to require a certain distance between Department of Corrections' correctional facilities and adjacent residential dwellings. The provisions would apply to facilities occupied after the effective date of the bill, and would not include halfway houses, community corrections centers, or community residential homes. Under the bill, a correctional facility could not be occupied until it complied with at least one of the following requirements:

- A distance of not less than 300 feet existed between each adjacent residential dwelling and any part of the facility or grounds accessible to prisoners.
- A buffer zone, designed to block sight and to block or reduce sound, was constructed between the correctional facility and all adjacent residential dwellings. The buffer zone could consist of an earth berm, trees, or other plants, or of materials that would have a substantially similar effect. A fence would not meet the requirements of the bill.

MCL 791.220F

FISCAL IMPLICATIONS:

Fiscal information is not available.

ARGUMENTS:

For:

Most prisons in Michigan have either been built in rural areas, or are so old that they and the surrounding community have grown up together. With the recent expansion in prison populations and the construction boom in prison facilities, it is important that care be taken to