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BILL ANALYSIS

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House Bill 4762 (Substitute S-1 as reported)  
Sponsor: Representative Donald Van Singel  
House Committee: Corrections  
Senate Committee: Criminal Justice and Urban Affairs

Date Completed: 5-30-89

**RATIONALE**

Complaints have been received from neighbors of the new Carson City Regional Correctional Facility that one of the facility's buildings now under construction is too close to a neighboring farmhouse. Of particular concern to the neighbors is the fact that the prison building 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, and the site plans were altered and the prison is now close to the fence, directly across the road from the farmhouse. Although very little can be done at this point in construction to alter the Carson City site, many feel that there should be a minimum distance or "buffer" requirement for future prison facilities.

**CONTENT**

The bill would amend the Department of Corrections law to require that a correctional facility constructed after the bill's effective date have a buffer zone between the facility and all adjacent residential dwellings and/or a distance

of at least 300 feet between adjacent residential dwellings and any part of the facility or grounds within the facility's security perimeter. A buffer zone would have to be designed to block sight and reduce sound, and could be an earth berm, trees or other plants, or materials that would have a similar effect. A fence would not meet the bill's buffer zone requirement.

The bill would not apply to a halfway house, community corrections center, or community residential home.

Proposed MCL 791.220f

**SENATE COMMITTEE ACTION**

The Senate Committee on Criminal Justice and Urban Affairs adopted a substitute (S-1) to the bill that would apply the requirements to a facility "constructed" after the bill's effective date, while the House-passed version of the bill would have applied the requirements to a facility "to be occupied" after the effective date. In addition, the substitute would require a distance of 300 feet between a residential dwelling and any part of the facility or grounds "within the security perimeter", while the House-passed version would have required that distance between dwellings and any part of the facility or grounds "accessible to prisoners".

H.B. 4762 (S-30-89)

## FISCAL IMPACT

The bill would have an indeterminate fiscal impact on the State. Under current practice, the Department of Corrections and the Department of Management and Budget coordinate efforts with local units relative to buffer zones at correctional facilities. To this degree, the proposed legislation would, in most cases, not have significant fiscal implications at any future facility. However, dependent on the site location and conditions of placement, it is possible that additional property and/or dwellings would need to be acquired in order to satisfy the requirements of the legislation. Fair market values of such acquisitions are dependent on specific locations and therefore the fiscal impact is indeterminate.

## ARGUMENTS

### Supporting Argument

Most prisons in Michigan either have 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 avoid conflicts with neighboring residential areas. The bill would require proper set backs or buffer zones to avoid future problems with a prison's proximity to residential dwellings.

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This analysis was prepared by nonpartisan Senate staff for use by the Senate in its deliberations and does not constitute an official statement of legislative intent.