

HOUSE BILL No. 4762

May 3, 1989, Introduced by Reps. Van Singel, DeMars, Alley, Walberg, Middaugh, Allen, Emmons, Nye, Niederstadt and Munsell and referred to the Committee on Corrections.

A bill to amend Act No. 232 of the Public Acts of 1953,
entitled as amended

"An act to revise, consolidate, and codify the laws relating to probationers and probation officers as herein defined, to pardons, reprieves, commutations, and paroles, to the administration of penal institutions, correctional farms, and probation recovery camps, to prison labor and prison industries, and the supervision and inspection of local jails and houses of correction; to provide for the siting of correctional facilities; to create a state department of corrections, and to prescribe its powers and duties; to provide for the transfer to and vesting in said department of powers and duties vested by law in certain other state boards, commissions, and officers, and to abolish certain boards, commissions, and offices the powers and duties of which are hereby transferred; to prescribe the powers and duties of certain other state departments and agencies; to provide for the creation of a local lockup advisory board; to prescribe penalties for the violation of the provisions of this act; and to repeal all acts and parts of acts inconsistent with the provisions of this act,"

as amended, being sections 791.201 to 791.283 of the Michigan Compiled Laws, by adding section 20f.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Section 1. Act No. 232 of the Public Acts of 1953, as
2 amended, being sections 791.201 to 791.283 of the Michigan
3 Compiled Laws, is amended by adding section 20f to read as
4 follows:

5 SEC. 20F. (1) A CORRECTIONAL FACILITY CONSTRUCTED AFTER THE
6 EFFECTIVE DATE OF THIS SECTION SHALL BE CONSTRUCTED IN COMPLIANCE
7 WITH AT LEAST 1 OF THE FOLLOWING REQUIREMENTS:

8 (A) A DISTANCE OF NOT LESS THAN 300 FEET EXISTS BETWEEN EACH
9 ADJACENT RESIDENTIAL DWELLING AND ANY PART OF THE CORRECTIONAL
10 FACILITY OR GROUNDS ACCESSIBLE TO PRISONERS OR USED FOR PARKING
11 VEHICLES.

12 (B) A BUFFER ZONE IS CONSTRUCTED BETWEEN THE CORRECTIONAL
13 FACILITY AND ALL ADJACENT RESIDENTIAL DWELLINGS. THE BUFFER ZONE
14 SHALL BE DESIGNED TO BLOCK SIGHT AND TO BLOCK OR REDUCE SOUND,
15 AND MAY CONSIST OF AN EARTH BERM OR TREES OR OTHER PLANTS, OR
16 MATERIALS THAT WOULD HAVE A SUBSTANTIALLY SIMILAR EFFECT. A
17 FENCE DOES NOT MEET THE REQUIREMENTS OF THIS SUBDIVISION.

18 (2) AS USED IN THIS SECTION, "CORRECTIONAL FACILITY" MEANS
19 ANY FACILITY THAT HOUSES PRISONERS UNDER THE JURISDICTION OF THE
20 DEPARTMENT, BUT DOES NOT INCLUDE A HALFWAY HOUSE, COMMUNITY COR-
21 RECTIONS CENTER, OR COMMUNITY RESIDENTIAL HOME.