



CONVICTION
INTEGRITY
& EXPUNGEMENT
UNIT

Getting a Clean Slate – Expungement Information Sheet (Starting April 11, 2021)

People with criminal records—even very old criminal records—have difficulty obtaining employment, housing, admission to educational institutions, and professional licenses. Under Michigan law, people with criminal records who have not had additional criminal legal trouble for a certain period of time may apply to have their criminal records expunged. The State Legislature recently expanded Michigan’s expungement laws, making hundreds of thousands of Michiganders eligible for expungement as of April 11, 2021.

But figuring out who qualifies is difficult, the application process can seem overwhelming, and hiring an attorney to help you figure it out can be expensive. This document will provide an overview of the process to make it more accessible to more people.

This document only covers the laws that go into effect on April 11, 2021. The new law also provides for certain crimes to be *automatically* expunged. Automatic expungements, however, will not go into effect until sometime in 2023, and we will release more information closer to the time when that law goes into effect.

What does “expungement” mean and why should I try to get my record expunged?

“Expungement” means taking a criminal record and sealing (or hiding) it from public view. If your record is expunged, it means that when you apply for a job, housing, financial aid, or a professional license, and the application asks for your criminal history, **you no longer have to list the criminal offenses that have been expunged.** It also means that if employers, landlords, or educational or professional institutions search your criminal history, they will not be able to see the criminal offenses that have been expunged.

The clearing of your public record usually means that you are more likely to get the job, housing, or other aid that you apply for. A study out of the University of Michigan found that people on average made over **22% more in wages** just one year after an expungement. That can make a meaningful difference in your life.

It is important to know, though, that “expunged” does *not* mean “permanently deleted.” Your expunged offenses can still be seen by law enforcement officials, prosecutors, courts, the governor, and certain agencies like the Michigan Department of Corrections. If you are required to pay restitution, you will need to continue to pay that. And if you are required to register on the Sex Offender Registry, you will still need to continue to do that as well.

Overview of the Clean Slate Laws

These 2 pages provide a brief overview of whether you are eligible to apply for expungement and when and how to apply. If you have additional questions, the Washtenaw County Prosecutor's Office Conviction Integrity and Expungement Unit (CIEU), Michigan Works Southeast, Michigan Legal Help, and the Washtenaw County office of Legal Services of South Central Michigan may be able to help.

What criminal offenses can I NOT get expunged?

Many criminal offenses are eligible for expungement, including most traffic offenses and marijuana offenses. It is easiest to check whether any offenses are NOT eligible:

- ⊗ Federal criminal offenses
- ⊗ Felonies or attempted felonies with a maximum penalty of life imprisonment
- ⊗ Felony domestic violence if you also have a conviction for misdemeanor domestic violence
- ⊗ Child abuse offenses
- ⊗ Most criminal sexual conduct offenses
- ⊗ Operating a vehicle while intoxicated
- ⊗ Traffic offenses causing injury or death
- ⊗ Traffic offenses involving operation of a commercial vehicle

How many criminal offenses can I get expunged?

- MISDEMEANORS: in general, you can expunge an UNLIMITED number.
- FELONIES: in general, you can expunge up to 3 felonies in your lifetime.

But there are a few exceptions:

- You can only expunge up to 2 "assaultive crimes"¹ (either felonies or misdemeanors) in your lifetime.
- If you have 2 convictions for the *same felony offense* that can be punished by more than 10 years in prison, you can only get *one* of those felonies expunged. The other conviction will stay on your public record.

Some good news: if you were convicted of multiple criminal offenses that happened during a 24-hour window, the law may treat those offenses as part of the "same transaction," meaning you can count those offenses as only **1** offense. Similar exceptions apply though:

- An assaultive crime cannot be combined.
- A crime involving the use or possession of a dangerous weapon cannot be combined.
- A crime that can be punished by 10 or more years in prison cannot be combined.

¹ An "assaultive crime" is defined in the law, but is too complex to include here.

When can I apply to have a criminal offense expunged?

There is a mandatory waiting period that begins from the latest (most recent) date between:

- The date you were sentenced
- The date you completed probation
- The date you were discharged from parole
- The date you were released from incarceration

If you are looking to expunge only NON-SERIOUS MISDEMEANORS, you can apply after 3 years from the latest of those dates.

If you are looking to expunge any SERIOUS MISDEMEANORS² or 1 FELONY, you can apply after 5 years from the latest of those dates.

If you are looking to expunge *more than* 1 FELONY, you can apply after 7 years from the latest of those dates.

What about marijuana convictions?

If you have certain misdemeanor marijuana convictions on your record, special rules may apply to your situation. These convictions are:

- Possession of marijuana under MCL 333.7403(2)(d)
- Use of marijuana under MCL 333.7404(2)(d)
- Marijuana paraphernalia under MCL 333.7543
- A local ordinance that is similar to the above

In other words, if you were convicted of a crime for doing something that is now lawful under the recreational marijuana laws that were passed on December 6, 2018, you can have those convictions taken off your public record.

There is NO waiting period on those convictions, and you can file as soon as the new laws go into effect on April 11, 2021.

How do I file for an expungement?

- There will be a new application form available from the Michigan state courts
- You need a certified record of each conviction that you are seeking to expunge
- You need to get fingerprinted
- You need to submit the application and fingerprints to the Michigan State Police who will send the court your criminal history (state and FBI)—requires a \$50 check or money order (check with Michigan Works Southeast to see if they can help with that)
- File everything in the court where you were convicted, after April 11, 2021, and send copies to the Michigan Attorney General and the office of the prosecuting attorney

² The list of serious misdemeanors is available at MCL 780.811.