

MICHIGAN LEGAL HELP

Helping Michigan residents solve their legal problems

Michigan's New Expungement Law: General Information



* Expungement (setting aside a conviction) means making a criminal record nonpublic. *

Automatic Expungements Not Available until 2023

What Stayed the Same?

- No out of state or federal convictions
- High misdemeanors (those with prison sentences for more than 1 year) still count as felonies
- Many non-expungable convictions remain the same
- Still will have a hearing in most cases

New Conviction Number Limits

- Up to 3 felonies can be expunged
 - If there are multiple convictions for the same offense (with a max sentence of 10 years), only 1 can be expunged.
- Unlimited misdemeanors may be expunged
- Only 2 convictions for assaultive crimes can be expunged (this is true for misdemeanors and felonies)
- "One Bad Night" counts multiple convictions that occurred as a part of the same transaction within 24 hours as one conviction. Convictions **NOT** eligible for this process are:
 - Assaultive crimes
 - Crimes involving the use or possession of a dangerous weapon
 - Crime with a maximum penalty of 10 or more years' imprisonment.

New Waiting Periods

Conviction Type	Waiting Period
1 felony	5 years
Multiple felonies	7 years
1 or more serious misdemeanors	5 years
1 or more non-serious, non-assaultive misdemeanors	3 years