

MICHIGAN LEGAL HELP

Helping Michigan residents solve their legal problems

Michigan's New Expungement Law: Special Process for Marijuana Misdemeanors



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

Automatic Expungements Not Available Until 2023

Someone who has misdemeanor marijuana convictions may be eligible to set them aside without a waiting period. Convictions using this special process may be set aside if the offense would not have been a crime on or after **December 6, 2018**. This is the date that recreational marijuana became legal in Michigan. The judge will assume that violations of the following misdemeanor marijuana laws would not have been crimes on or after December 6, 2018, and can be set aside:

- MCL 333.7403 (possession)
- MCL 333.7404 (use)
- MCL 333.7453 (sale of paraphernalia)
- A local ordinance (law) that is substantially the same as any of the statutes above

The local prosecutor can argue against this presumption by filing an answer within 60 days of receiving the application. If the prosecutor doesn't do this, the judge must enter an order to set aside the conviction(s) within 21 days **without a hearing**.

If the prosecutor does file an answer, then the hearing will happen within 30 days.