

# AM I ELIGIBLE FOR EXPUNGEMENT?

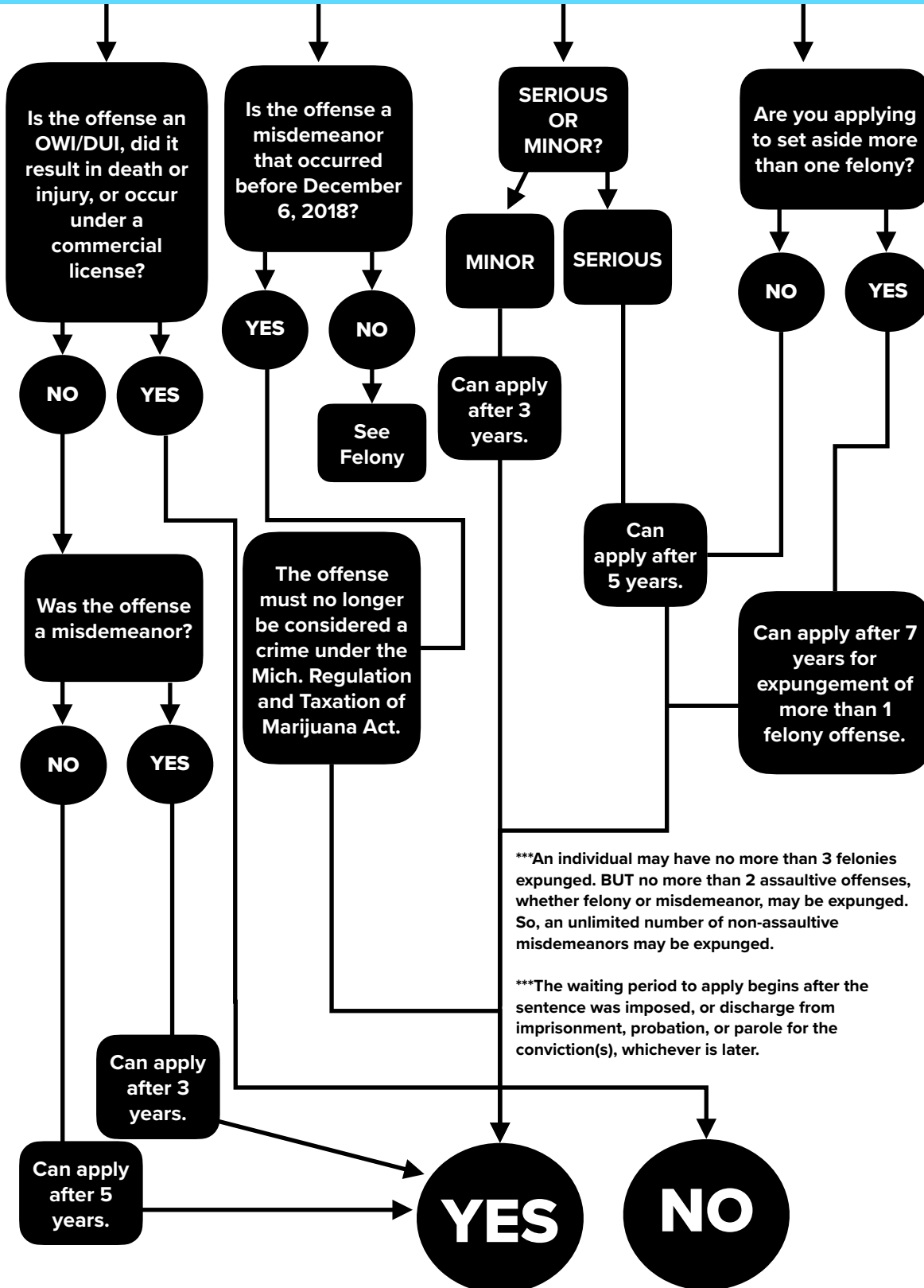
## WHAT IS THE TYPE OF OFFENSE?

TRAFFIC

MARIJUANA

MISDEMEANOR

FELONY



## CLEAN SLATE LAWS

In early 2021, Michigan's new "Clean Slate" laws took effect, expanding the number and type of offenses that can be set aside. This law also allows multiple offenses that occurred within the same transaction to be eligible for expungement as a single offense. The Clean Slate laws also apply to juveniles.

This set of laws is being phased in over time. Eventually, certain convictions will be automatically expunged without an individual applying or petitioning for expungement, beginning in 2023.

## WHAT IS "EXPUNGEMENT"?

Michigan law has long provided that those convicted of most state criminal offenses (e.g. other than offenses like murder, first-degree criminal sexual conduct or traffic offenses like drunk driving) can, under certain circumstances and, if certain preconditions are met, have those convictions expunged or "set aside" so that these records were not accessible by the public domain, where employers and others could find them.

## WHAT DOES THIS MEAN FOR ME?

Having a criminal record can carry societal consequences years after the conviction. It can prevent you from job opportunities and securing adequate housing. Getting an expungement or setting aside a conviction, expands economic, education, and housing opportunities for people who have been involved with the justice system. If you qualify for your prior conviction(s) to be expunged, you now would be able to answer "no" when asked if you have a criminal record. Your criminal record will not be accessible to the public, but it will still be accessible by law enforcement and the courts.

## WHAT IS NOT EXPUNGEABLE?

- All offenses punishable by life imprisonment
- Assault with intent to commit criminal sexual assault
- Child sexually abusive material or activity offenses
- Fourth-degree criminal sexual conduct (committed after January 12, 2015)
- Human-trafficking-related offenses
- Second-degree child abuse
- Second-degree criminal sexual conduct
- Terrorism-related offenses
- Third-degree criminal sexual conduct
- Using a computer to commit sex crimes offenses
- Felony domestic violence if the individual has a previous misdemeanor conviction for domestic violence

## KEEP IN MIND

An individual may not have more than two convictions that are considered "assaultive" set aside during his or her lifetime OR have more than one felony for the same offense set aside if the offense is punishable by more than 10 years imprisonment.

An applicant must still pay if there is outstanding restitution, and an applicant is not barred from applying if there is outstanding criminal debt.

Where a misdemeanor marijuana conviction is set aside, the individual cannot seek re-sentencing where the conviction was used in the sentencing guidelines.

If the motion to set aside the conviction is denied, then an individual has to wait 3 years to reapply for expungement (unless it is a marijuana conviction).