

Automatic Expungements: Michigan Clean Slate

On April 11, 2023, the Michigan State Police rolled out a process to automatically expunge certain convictions without an application, per the [clean slate legislation](#) that was enacted in 2020. This program automatically expunged qualifying, eligible convictions, using information from the Criminal Historical Record database to determine when the proper waiting period for each conviction has elapsed.

Over 1 million residents were estimated to have convictions automatically expunged on April 11 – 400,000 of whom will end the day completely conviction-free. And those numbers will just continue to go up as the program continues to run.

Criteria for Automatic Set Aside

The following criteria applies for convictions to be set aside *automatically* and does not need an application:

Offense Type:	Waiting Period*
Misdemeanors punishable by less than 93 days imprisonment <i>No Limit</i>	7 years
Misdemeanors punishable by 93 days or more imprisonment <i>Not more than 4</i>	7 years
Felonies <i>Not more than 2</i>	10 years

*The waiting period for misdemeanors refers to the amount of time that has passed since the date of the imposition of a sentence.

*The waiting period for felonies refers to the amount of time that has passed since the date of the imposition of a sentence or completion of any term of imprisonment with the Michigan Department of Corrections, whichever occurs later.

The automatic expungement program will run *every day* to check for newly eligible convictions, and MSP will pass along that information to the courts whenever a qualifying expungement takes place.

Convictions Which Do Not Qualify for Automatic Expungement

Those who have additional convictions which do not qualify for automatic expungement can still go through the traditional expungement application process.

The best way to check if someone received an automatic expungement is to visit the [Internet Criminal History Tool \(ICHAT\)](#) after April 11 and view the public record.

2020 Legislation

Legislation passed and signed late in 2020 makes Michigan a national leader in helping residents more easily set aside criminal records and get a "clean slate." The new laws make set asides automatic for certain offenses; however, for some offenses, parties will need to apply for a set aside.

While these new laws take effect on April 11, 2021, court and law enforcement authorities were allowed two years to secure funding and coordinate plans to allow for automatic set aside of some offenses. That means automatic set asides will not be implemented until April 2023, at the earliest.

Highlights of the "Clean Slate" package include:

Creating an automatic process for setting aside eligible misdemeanors after seven years and eligible non-assaultive felonies after 10 years. [NOTE: Not implemented until April 2023.]

Expanding the number and revises the types of felonies and misdemeanors eligible to be set aside by application.

Revising the waiting periods before being eligible to apply for a set aside.

Treating multiple felonies or misdemeanor offenses arising from the same transaction as a single felony or misdemeanor conviction, provided the offenses happened within 24 hours of one another and are not assaultive crimes, or involves possession or use of a dangerous weapon, or is a crime that carries penalty of 10 or more years in prison.

Expanding set aside eligibility to various traffic offenses.

Allowing a person to petition to set aside one or more marijuana offenses if the offense would not have been a crime if committed after the use of recreational marijuana by adults became legal in the state.

To view the full text of the bills in the "Clean Slate" package, here's a list of each bill number:

House Bill 4980 - introduced by Rep. Yousef Rabhi (D-53rd District)

House Bill 4981 - introduced by Rep. Pauline Wendzel (R-69th District)

House Bill 4982 - introduced by Rep. Luke Meerman (R-88th District)

House Bill 4983 - introduced by Rep. Yousef Rabhi (D-53rd District)

House Bill 4984 - introduced by Rep. David LaGrand (D-75th District)

House Bill 4985 - introduced by Rep. Sherry Gay-Dagnogo (D-8th District)

House Bill 5120 - introduced by the late Rep. Isaac Robinson (D-4th District)

'CLEAN SLATE' BILL SIGNING (OCT. 2020)