**Effective April 21, 2021**

KEY POINTS FROM MICHIGAN’S **UNIQUE** CLEAN SLATE LEGISLATION

**Under Michigan’s Clean Slate legislation, the following offenses cannot be expunged either by application or automatically:**

* Alcohol or Drug-Related Driving Offenses, including Operating While Intoxicated and Operating While Visibly Impaired (Impaired Driving) convictions
* Life Offenses or an Attempt to Commit a Life Offense
* Any traffic offenses committed by a person with a commercial vehicle endorsement
* Any traffic offense that causes injury or death
* A felony conviction for domestic violence, if the person has a previous misdemeanor conviction for domestic violence
* Convictions for violations or attempted violations of MCL 750.136b(3) (Child Abuse), MCL 750.136d(1)(b) or (c) (Child Abuse in the presence of another child), MCL 750.145c (Child Sexually Abusive Material or Activity), MCL 750.145d (Use of Computer/Internet related to minors), MCL 750.520c (CSC 2nd Degree), MCL 750.520d (CSC 3rd Degree), or MCL 750.520g (Assault with Intent to Commit CSC)

**AUTOMATIC EXPUNGEMENT PROCESS**

Michigan’s Clean Slate legislation mandates that the following offenses will *begin* to be automatically set aside beginning about **October 12, 2022:**

* Misdemeanors that are punishable by less than 93 days if 7 years have passed since the imposition of the sentence.
* Misdemeanors that are punishable by 93 days or more if 7 years have passed since the imposition of the sentence so long as:
  + There are no pending criminal charges against the individual;
  + The individual has not been convicted of any crime within 10 years following the completion of the sentence for the felony conviction that would be expunged;
  + The individual has not more than 2 felony convictions and 4 misdemeanor convictions that are eligible for expungement; and
  + The offense is not an assaultive crime, serious misdemeanor, crime of dishonesty, related to human trafficking, or an offense involving a minor, vulnerable adult, injury or serious impairment, or death.
* A felony conviction and at least 10 years have passed from the completion of the sentence so long as:
  + There are no pending criminal charges against the individual;
  + The individual has not been convicted of any crime within 10 years following the completion of the sentence for the felony conviction that would be expunged;
  + The individual has not more than 2 felony convictions and 4 misdemeanor convictions that are eligible for expungement; and
  + The offense is not an assaultive crime, crime of dishonesty, related to human trafficking, or an offense involving a minor, vulnerable adult, injury or serious impairment, or death.

**EXPUNGEMENT APPLICATION PROCESS**

As noted above, the Clean Slate legislation will not go into effect until **April 10, 2021**. For offenses that are ineligible for an automatic expungement or for individuals who do not want to wait for the automatic expungement process to begin in the fall of 2022, **the following conditions apply to expungement applications:**

* A maximum of 3 felony convictions may be expunged, but only one felony that is punishable by more than 10 years’ imprisonment may be expunged;
  + For an application to set aside more than one felony conviction, at least 7 years must have passed from the time the person completed the sentence for the felony convictions sought to be expunged;
* For an application that seeks to set aside only one felony conviction or only one serious misdemeanor, at least 5 years must have passed from the time the person completed the sentence for the conviction;
* For an application that seeks to set aside one or more misdemeanor convictions, at least 3 years must have passed from the time the person completed the sentence for the conviction or convictions;
* No more than 2 convictions for assaultive crimes can be expunged in a person’s lifetime; and
* To be eligible to apply for an expungement, the applicant cannot have any pending criminal charges at the time of the application and cannot have any convictions during the waiting periods identified above.