

# New Expungement Laws



## New laws have expanded opportunities to remove criminal convictions from your record:

1. There are more types of crimes that can be expunged through the legal application process
2. Starting in 2023, many crimes will be automatically expunged (called Clean Slate)

### Recent Changes

- You can now expunge (remove) up to 3 felonies and any number of misdemeanors in your lifetime, with exceptions
- Some convictions always require an application
  - You must apply for expungement if:
    - You do not qualify for automatic expungement
    - You have more convictions than qualify for automatic expungement
    - You would like to apply before the end of the automatic waiting period
  - Waiting periods for applications
    - 7 years for multiple felonies\*
    - 5 years for serious misdemeanors or single felonies\*
    - 3 years for other "non-serious" misdemeanors\*
- Marijuana convictions for behavior that used to be criminal but became legal as of December 6, 2018 can be expunged by a different, and simpler, application process
- Many traffic offenses can now be expunged (although they would still appear on your driving record)
- A felony under this law is any conviction that carries a max sentence of more than 1 year, even if it appears as a misdemeanor.
- With some exceptions, a single first "operating while intoxicated/impaired" offense is expungeable as of Feb 2022.
- Many more offenses can be expunged, with exceptions listed below

### Clean Slate (automatic expungements)

- Scheduled to go into effect in April, 2023
- No application will be needed to clear your record if your conviction(s) qualify
- Qualifying misdemeanors will be automatically expunged after 7 years\*
- Qualifying felonies will be automatically expunged after 10 years\*
- There can be no convictions or pending charges in the 7/10 year waiting periods
- Limits on the automatic expungement of felonies and serious misdemeanors:
  - Does not include any "assaultive crimes" or "crimes of dishonesty" (not full list)
  - Does not include any offense with a maximum penalty of more than 10 years
  - A maximum of 2 felonies and 4 serious misdemeanors can be automatically expunged
- No limit to qualifying non-serious misdemeanors

\* From the date of sentence or when the sentence/probation was completed, whichever is later

#### Convictions that cannot be expunged either automatically or by application (not full list):

- Felonies with a maximum sentence of life in prison (no matter your actual sentence)
- Child pornography, human trafficking, and certain types of child abuse or domestic violence
- More than two "assaultive" convictions of any type (felony/misdemeanor) in your lifetime



Need help to figure out if you qualify? Call Legal Aid (616) 774-0672

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