

EXPUNGEMENT APPLICATION CHEAT SHEET

Convictions for the following offenses cannot be set aside:

- A violation, or an attempted violation, of engaging in child sexually abusive activity or producing, distributing, or possessing child sexually abusive material, [MCL 750.145c](#)
- A violation, or an attempted violation, of using a computer to solicit a [minor](#), [MCL 750.145d](#)
- A violation, or an attempted violation, of an assault with the intent to commit criminal sexual conduct (CSC) involving penetration, [MCL 750.520g](#)
- A violation, or an attempted violation, of first or second degree child abuse, [MCL 750.136\(b\)\(2\)](#) or [750.136\(b\)\(3\)](#)
- A violation, or an attempted violation, of child abuse in the presence of another child, [MCL 750.136d\(1\)\(b\)](#) or [750.136d\(1\)\(c\)](#)
- A conviction for Operating While Intoxicated (although a single 1st offense is eligible)
- A felony conviction for domestic violence when you have a previous misdemeanor DV conviction
- A violation of human trafficking, [MCL 750.462A](#) to 750.462J and 750.543A to 750.543Z
- Any felony offense that is punishable by life in prison (even if your actual sentence was shorter)
- Any traffic offense committed by someone with an indorsement on their operator's or chauffeur's license to operate a commercial motor vehicle that was committed while the individual was operating the commercial motor vehicle
- Any traffic offense that causes injury or death
- A violation, or an attempted violation, of first degree Criminal Sexual Conduct (CSC), 2nd degree CSC, or 3rd degree CSC, [MCL 750.520b](#), [750.520c](#), or [750.520d](#)
- A conviction for 4th degree CSC, [MCL 750.520e](#), on or after 01/12/15 **cannot be set aside**.
- A conviction for 4th degree CSC prior to 01/12/15 **can be set aside** so long as you have no other convictions, other than up to two minor offenses*.

* A minor offense is a misdemeanor or ordinance violation for which the max imprisonment does not exceed 90 days, the max fine does not exceed \$1,000, and is committed by a person 21 or younger.

You cannot set aside more than 2 convictions for assaultive crimes, which includes:

- A violation described in [MCL 770.9a](#)
- A violation of sections [MCL 750.81](#) to [750.90h](#), not otherwise included in subparagraph (i)
- A violation of section [MCL 750.110a](#), [MCL 750.136b](#), [MCL 750.234a](#), [MCL 750.234b](#), [MCL 750.234c](#), [MCL 750.349b](#), or [MCL 750.411h](#), or any other violent felony
- A violation of a law of another state or of a political subdivision of this state or of another state that substantially corresponds to a violation described in any of the statutes mentioned above

A serious misdemeanor is any of the following offenses:

- Assault or battery, including domestic violence, [MCL 750.81](#)
- Assault or infliction of serious injury, including aggravated domestic violence, [MCL 750.81a](#)
- Breaking and entering, or illegal entry, [MCL 750.115](#)
- Fourth degree child abuse, [MCL 750.136b](#)
- Contributing to the neglect or delinquency of a minor, [MCL 750.145](#)
- Using the internet or computer to make a prohibited communication, [MCL 750.145d](#)
- Intentionally aiming a firearm without malice, [MCL 750.233](#)
- Discharge of a firearm intentionally aimed at a person, [MCL 750.234](#)
- Discharge of a firearm intentionally aimed at a person that causes injury, [MCL 750.235](#)
- Indecent exposure, [MCL 750.335a](#)
- Stalking, [MCL 750.411h](#)
- Selling or giving alcohol to someone under 21, if the violation results in physical injury or death to the person, [MCL 436.1701](#)
- Any conviction similar to one of the ones listed above
- Any conviction listed above that was reduced (This means if your misdemeanor conviction was originally a charge for a serious misdemeanor but later reduced, the waiting period will be five years, not three, for that conviction)

For the conviction you're trying to set aside, waiting periods start from the last date of:

- Conviction and/or sentencing
- Completed probation
- Discharge from parole, or
- Release from prison

Below are different waiting periods.

Conviction Type	Waiting Period
One felony	Five years
Multiple felonies	Seven years
One or more serious misdemeanors, or an OWI	Five years
One or more non-serious, non-assaultive misdemeanors	Three years