

Automatic Expungement in Michigan

What is it? How does it work?



There are two ways that criminal offense records can get expunged under Michigan's "Clean Slate" program:

1. **Going through the courts.** In Spring of 2021, Michigan expanded the types of criminal records that are eligible to be expunged by filing a petition with the court where the conviction happened.
 - a. Here is a summary of what can get expunged by applying: bit.ly/3PngDpN
 - b. This checklist explains the application process: bit.ly/3NHsyNJ
2. **Automatic Expungement.** In Spring of 2023, Michigan began expunging some conviction records automatically. This means people do not have to do anything to get the expungement.

What is Automatic Expungement?

Offenses that qualify under the law will get removed from the public record with no action on your part. In other words, these offenses will get taken out of the Michigan State Police database without you needing to go through the courts.

How many offenses are eligible for Automatic Expungement?

It depends how serious the offense was.

- Felonies: up to 2 are eligible for Automatic Expungement
- Misdemeanors punishable by 93 days or more in jail: up to 4 are eligible
- Misdemeanor punishable by 92 days or less: no limit

What is the waiting period for offenses to get automatically expunged?

- Felonies: 10 years from either 1) your sentencing date OR 2) your release from confinement—whichever of those dates came later
- Misdemeanors: 7 years from your sentencing date

What offenses are not eligible for Automatic Expungement?

- Assaultive offenses
- Serious misdemeanors
- Crimes of dishonesty
- Offenses punishable by more than 10 years confinement
- Certain offenses involving minors, vulnerable adults, injury, serious impairment, or death.
- Human trafficking offenses.
- Operating While Intoxicated or Impaired Offenses
- Any offenses ineligible for Expungement by Application

How does Automatic Expungement compare to going through the courts?

Two things about going through the courts might help you:

- The waiting period for applying to expunge some offenses is shorter than for Automatic Expungement.
- Some offenses that do not qualify for Automatic Expungement can still get expunged by applying through the courts.

Here's a checklist explaining how the application process works: <https://cleanslatepathway.org/wp-content/uploads/2022/04/Expungement-Checklist-Public-April2022.pdf>

How will I know if my offenses get automatically expunged?

You will not receive notices about offenses getting automatically expunged. But here are two ways to check:

- Run your criminal history report online through the Michigan State Police ICHAT (Internet Criminal History Access Tool) system: <https://apps.michigan.gov/>
- Run a more detailed Personal Records Check (\$30.00 fee) to see a copy of your non-public records. Learn more here: <https://www.michigan.gov/msp/services/chr/search-expunge-modify-or-update-criminal-history-records>

