

Expungement Laws

"Expungement" laws let people remove certain criminal convictions from their record:

1. Many types of crimes can be expunged by applying through the courts
2. In 2023, the state government plans to roll out "automatic" expungement rules. This means some criminal offenses could be dropped from your record without you having to apply. The earliest auto-expungement will start is 4/11/23.

Applying for Expungements

- 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

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

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

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 felony 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