

# Automatic Expungement 'Clean Slate' Legislation

## Why it's needed:

- Michigan has an expungement process, but only people who have no more than one felony and two misdemeanors qualify, even if the convictions arise out of the same event or occurred decades ago.
- Expunging a record requires applicants to notify the court, have the Michigan State Police do an FBI background check and give the attorney general, local prosecutor, and in some cases the crime survivor notice and an opportunity to appear. Applicants must obtain a certified copy of their record, get fingerprinted and pay a fee. As a result, an estimated 95 percent of people who are eligible for expungement don't even apply.
- Obtaining an expungement can bring great benefits. Those who have had a criminal record set aside are 11 percent more likely to secure employment and 22 percent more likely to see an increase in income, according to a University of Michigan study.

## What it could do:

Legislation has not yet been introduced. Depending on how Clean Slate legislation is developed, it could:

- Make the process automatic after 10 years, so that people who qualify will no longer have to initiate the process, seek the approval of a local prosecutor or pay a fee to get their record expunged.
- Expand economic and housing opportunities for people who have been involved with the justice system, as they would now be able to answer "no" when asked if they have a criminal record.
- Bring expungement to hundreds of thousands of Michiganders who are currently eligible.

## What it won't do:

- Hide someone's criminal record from law enforcement. While records will be shielded from the general public, they will still be visible to law enforcement and the courts.
- Be available to people who have been charged with all crimes. Certain offenses, such as life offenses and criminal sexual conduct, are not eligible for expungement.

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