

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.

House Bill 4980:

House Bill 4980 automates the expungement process in many cases it would:

- Increase the number of felonies eligible for expungement to four, up from two.
- Expand eligibility to include most drug, property & traffic offenses. Assaultive crimes, as defined in MCL 770.9a, are not eligible, nor are certain financial crimes, as defined in bill as "crimes of dishonesty," or certain "serious misdemeanors," as defined by MCL 780.811. These are 15 misdemeanors law enforcement considers most serious - e.g. assault, domestic violence, breaking and entering, discharge of a firearm, leaving the scene of an accident, etc.)
- Change wait times to seven years from end of sentence or community supervision (whichever later) for misdemeanors; or 10 years from end of sentence or community supervision (whichever later) for felonies.
- Would still require the payment of restitution, court fines & fees as enforceable debts, but the status of payment doesn't impact eligibility for automatic relief.
- No prosecutorial review.
- Non-public conviction records would be maintained within the Law Enforcement Information Network (LEIN) and may be used for specified law enforcement purposes.

What it won't do:

- Shield someone's criminal record from 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.

Questions? Contact John Cooper, Executive Director of Safe & Just Michigan, at 517.258.1134 or john@safeandjustmi.org

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