

# Expungement Expansion & Automation Clean Slate Legislation

## Why it's needed:

- Michigan's prior expungement process was extremely limited — for instance, it was limited to no more than one felony and two misdemeanors, and excluded traffic violations — even if the offenses happened decades ago.
- The expungement petition process is long, expensive and confusing, requiring 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.
- Because of the difficult process, an estimated only about 6 percent of the people who were eligible for an expungement even tried to obtain one.
- However, those who did obtain an expungement often saw great benefits. Two years after an expungement, average wages rose about 25 percent, according to a University of Michigan study.

## How Clean Slate Works:

Clean Slate is made up of seven bills:

- **House Bill 4980:** Creates an automated process for expunging eligible misdemeanors after seven years and eligible non-assaultive felonies after 10 years.
- **HB 4981:** For the first time, makes most convictions for traffic offenses — which constitute half of all criminal cases in Michigan — eligible for expungement.
- **HB 4982 & 5180:** Creates a process to set aside most marijuana convictions that would have been legal as of Dec. 6, 2018, when recreational marijuana was legalized in Michigan; Creates a rebuttable process for marijuana expungements and specifies that burden of proof is on prosecutors.
- **HB 4983:** Reduces the waiting period to file a petition to expunge the record of an eligible misdemeanor conviction to three years.
- **HB 4984:** Increases the number of misdemeanors and felonies a person can have expunged to an unlimited number of non-assaultive misdemeanors and up to three felonies. Note: no more than two assaultive felonies which can be charged with a sentence of more than 10 years in a lifetime may be expunged.
- **HB 4985:** Allows multiple convictions for certain offenses arising on "one bad night" to become eligible for expungement as a single offense.

## Clean Slate status:

- The bills have finished the legislative process and the governor intends to sign.
- There will be a two-year phase-in for HB 4980 (automatic expungement) that begins once funding is appropriated to create the technological systems to allow for expungement automation across courts, police and state systems.
- The remainder of the bills will take effect in April 2021.

Questions? Contact John Cooper, Executive Director of Safe & Just Michigan, at 517.258.1134 or [john@safeandjustmi.org](mailto:john@safeandjustmi.org)

**Safe & Just**  
Michigan

[www.safeandjustmi.org](http://www.safeandjustmi.org)

Last updated Oct. 9, 2020