

Automatic Expungements - What You Need to Know

How did we get to this point?

Prior to April 11, 2023, individuals seeking an expungement of past convictions have had to petition the courts to have those offenses expunged. This will change when the second phase of Michigan's Clean Slate Act goes into effect on April 11, 2023, this new process will allow for convictions to be expunged through an automated system. This system will be established and run by the State of Michigan, in conjunction with the existing network of courts around the State.

Learn more about MI's Clean Slate Act: bit.ly/MICleanSlateFAQ.

Learn more about MI's automated expungement process: bit.ly/MSPCleanSlate.

What types of offenses are ineligible for Automatic Expungement?

Please note that while the offenses listed below are not eligible for automatic expungement, they may still be eligible for expungement through the petition process.

- [Assaultive Crimes](#) - e.g. Aggravated Assault or Felonious Assault
- [Serious Misdemeanors](#) - e.g. DUI or Domestic Violence
- Crimes of Dishonesty - e.g. Felony Embezzlement or Uttering and Publishing
- Any offense punishable by 10 or more years - e.g. Home Invasion 1st or Unarmed Robbery.
- Any Human Trafficking violation
- Any violation of [MCL 777.1 to 777.69](#), which involves injury, serious impairment or death, a minor or vulnerable adult
- Any other conviction listed under [MCL 780.621c](#) which is ineligible for expungement through the petition process.

I have other offenses on my criminal record that are not eligible for Automatic Expungement. Is the petition process still an option to expunge those records?

While this new automated system will create an alternative pathway to an expungement, individuals who are eligible to expunge certain convictions through the traditional petition process will still be afforded that option as well.

As seen in the table below, Michigan's automated expungement process can be broken down into 4 main components. Each component is responsible for the expungement of a specific type of offense.

Questions? Contact Safe & Just Michigan at 517.258.1134 or info@safeandjustmi.org.

Safe & Just
Michigan

www.safeandjustmi.org

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What types of offenses are eligible for automatic expungement?	How many offenses are eligible for automatic expungement ?	How long do I have to wait?	How will these offenses be expunged?	Are there any limitations?	How will I know if my convictions have been automatically expunged?
<p>Felonies-Any offense punishable by more than 1 year of imprisonment.</p> <p>Remember any felony which falls into one of the categories listed above will be excluded from the automated process.</p>	<p>2 Felonies MCL 780.621g(2)</p>	<p>10 years from whichever event occurred last: (1) Sentencing date or (2) Completion of your term of imprisonment from MDOC. MCL 780.621g(2)(a)</p>	<p>Michigan State Police will be primarily responsible for removal of these offenses from their criminal database.</p>	<p>Convictions for any of the offenses listed above will not be subject to automatic expungement.</p> <p>Individuals convicted of other convictions during their wait period may also be precluded from the automated expungement process.</p>	<p>You can use Michigan State Police's ICHAT service to run a criminal background check on yourself. This will help you determine which of your offenses have already been automatically expunged by Michigan State Police. Please be advised that each criminal record search will cost \$10 via credit or debit card.</p> <p>Click on the link below for more information on how to use ICHAT</p> <p>ICCHAT Tutorial PowerPoint</p>
<p>"93-Day or more" Misdemeanors - These are misdemeanors that are punishable by 93 days or more in jail.</p> <p>Similarly, any "93-day or more" misdemeanor which falls into one of the categories listed above will also be excluded from the automated process.</p>	<p>4 "93-day or more" misdemeanors MCL 780.621g(4)</p>	<p>7 years from the sentencing date. MCL 780.621g(4)</p>	<p>Michigan State Police will be primarily responsible for removal of these offenses from their criminal database.</p>	<p>Convictions for any of the offenses listed above will not be subject to automatic expungement.</p> <p>Individuals convicted of other convictions during their wait period may also be precluded from the automated expungement process.</p>	<p>You can use Michigan State Police's ICHAT service to run a criminal background check on yourself. This will help you determine which of your offenses have already been automatically expunged by Michigan State Police. Please be advised that each criminal record search will cost \$10 via credit or debit card.</p> <p>Click on the link below for more information on how to use ICHAT.</p> <p>ICCHAT Tutorial PowerPoint</p>
<p>"92-Day or less" Misdemeanors (Already on Michigan State Police's Database) - These are misdemeanors that are punishable by 92 days or less in jail.</p>	<p>Unlimited MCL 780.621g(3)</p>	<p>7 years from the sentencing date. MCL 780.621g(3)</p>	<p>Michigan State Police will be responsible for removal of these offenses from their criminal database.</p>	<p>No additional limitations.</p>	<p>You can use Michigan State Police's ICHAT service to run a criminal background check on yourself. Or you can contact the convicting court to confirm which of your offenses have been automatically expunged. The court may require proof of identity before disclosing this information.</p>
<p>"92-Day or less" Misdemeanors (Not recorded on Michigan State Police's Database but are on the Convicting Court's Database)</p>	<p>Unlimited MCL 780.621g(1)</p>	<p>7 years from sentencing date MCL 780.621g(1)</p>	<p>Each convicting court will be primarily responsible for the removal of these convictions from their public database.</p>	<p>No additional limitations.</p>	<p>You may need to contact the convicting court to confirm which of your offenses have been automatically expunged. The court may require proof of identity before disclosing this information.</p>

***Some "92-Day or less" misdemeanors are not reported to Michigan State Police, and may not show up on MSP's ICHAT background service. This may include some local city ordinance violations that have been processed through local district courts.



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