

Safe & Just Michigan

Automatic Expungement FAQ

The state of Michigan implemented an automated expungement system on April 11th, 2023. The impact of this new law is still being felt throughout the state, but many still have questions about how this new law impacts them personally.

What's on your criminal record after April 11, 2023?

The first step is figuring out what offenses still remain on your criminal record. You can use the Michigan State Police's ICHAT service at bit.ly/MI-ICHAT to run a criminal background check on yourself. This will help you determine which of your offenses have already been automatically expunged by the Michigan State Police (MSP). Please be advised that each criminal record search will cost \$10 via credit or debit card. You can also attend one of the many expungement fairs being conducted across the state. For more information on expungement fairs in your area, go to bit.ly/MIExpungementHelp.

How are Michigan State Police ICHAT reports different from private background check reports?

There are a number of private background check services available all over the internet, many of which are located outside of the state. Unlike the MSP ICHAT report, which sources information directly from MSP's internal criminal record database, these private companies often source their information from local Michigan court databases. This may result in some delays in the processing of your criminal background check by these companies. Additionally, offenses which may have been already expunged by the MSP may still appear on private background check reports because they haven't updated their records in a timely manner. If you encounter such an issue, you should notify the private background check company via email and request that they remove the conviction that has already been expunged.

How long does it take to retrieve your criminal background report?

As previously noted, if you have purchased your criminal background check through a private background check company, you may experience some significant delays in the processing of your criminal background check. These delays can likely be attributed to the manner in which these private background check companies source their information. The MSP ICHAT report can be retrieved immediately upon successful completion of the form and payment via credit or debit card here: bit.ly/MIExpungementHelp.

Questions? Contact Safe & Just Michigan Clean Slate Program Manager Kamau Sandiford at 517.482.7753 or info@safeandjustmi.org

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What can I do if I still have offenses on my MSP ICHAT Report?

If some or all of your offenses have yet to be expunged from your MSP ICHAT report, it may mean that you did not meet the eligibility criteria set forth under the law to have your offense(s) automatically expunged. Here are some issues that you should consider:

Do you have an active or pending criminal case?

Any pending criminal case will prevent MSP from automatically expunging any of the other offenses on your record. See the Michigan law at bit.ly/SetAsides.

Are any offenses on your record excluded from automatic expungement?

If your offenses falls into one of the categories listed below, it will not be eligible for automatic expungement by MSP:

- An assaultive crime (e.g domestic violence or assault and battery). Additionally, anyone with more than one assaultive crime on their record will be disqualified from having any of their convictions automatically expunged. See MCL 780.621G(7) at bit.ly/SetAsides.
- A serious misdemeanor (e.g DUI, stalking, indecent exposure, contributing to the delinquency of a minor).
- A crime of dishonesty (e.g felony embezzlement, felony uttering and publishing).
- Any other offense, not otherwise listed under this subsection, that is punishable by 10 or more years imprisonment (e.g home invasion-1st degree or unarmed robbery).
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- Any violation of MCL 777.1 to 777.69, which involves a minor, vulnerable adult, injury or serious impairment, or death. See bit.ly/MichSentencing.
- Any violation related to human trafficking.
- Any other conviction which is ineligible for expungement through the petition process (e.g traffic offense causing injury or death, life offenses, any traffic offense committed by a person with a CDL, while operating a commercial motor vehicle)

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Has the requisite wait period lapsed for your offense(s)?

Even if your offense(s) isn't one of the excluded offenses listed above, you should also consider whether the wait period for your offense(s) has ended. Each non-excluded offense on your ICHAT has its own wait period which must lapse before MSP can automatically expunge it from their database

- “92-day or less” misdemeanors: 7 years following sentencing date. See MCL 780.621G(3) at bit.ly/SetAsides.
- “93-day or more” misdemeanors: 7 years following sentencing date. See MCL 780.621G(4) at bit.ly/SetAsides.
- Felonies: 10 years from whichever event occurred last — Sentencing Date or Completion of your term of imprisonment. See MCL 780.621G(2) at bit.ly/SetAsides.

Were you convicted of a subsequent offense during your wait period?

If you were convicted of an offense during either the 7- or 10-year wait period following your offense(s), this may have precluded MSP from automatically expunging the previous offense. See MCL 780.621G(6)(C) at bit.ly/SetAsides.

Have you already had the maximum amount of offenses automatically expunged under the law?

Up to two felonies and four “93-day or more” misdemeanors can be automatically expunged under the law. If the MSP has already automatically expunged the maximum amount of offenses allowed, this may explain why some of your offenses are still listed on your record. Please note there is no limit on the amount of “92-day or less” misdemeanors that can be expunged by the MSP or the courts. Some “92-Day or less” misdemeanors aren't reported to the MSP and may not show up on MSP's ICHAT background service. As a result, you may have to contact the court to confirm whether these offenses were automatically expunged.

None of those conditions apply to me. Why are my old convictions still appearing on my criminal record?

If none of the issues listed above adequately explain why some or all of your offenses are still showing up on your record, you can contact MSP directly at MSP-CRD-CSAAUTOMATIC@michigan.gov or you can visit their Clean Slate website at bit.ly/CleanSlateMSP. Additionally, you may still be eligible for an expungement through the petition process. For more information on the petition process go to bit.ly/MIExpungementHelp.

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