

### **Background**

In October 2020, Governor Whitmer [signed](#) a bipartisan package of seven bills (Public Acts 187-193 of 2020) collectively referred to as “Clean Slate” legislation that fundamentally changed Michigan’s criminal history expungement laws.

The new Clean Slate laws facilitate the automatic expungement of certain felonies and misdemeanors from criminal records with the goal of helping to remove barriers to housing, employment, and other economic opportunities for eligible people with a criminal record. Under the new laws, automatic expungement will be applied to up to four misdemeanors after 7 years of no criminal violations, and up to two non-violent felony convictions after 10 years of no criminal violations on a lifetime basis.

In addition to establishing automatic criminal record expungement, the Clean Slate laws also include the following changes to Michigan’s criminal record expungement policies:

- Expands the number and revises the types of felonies and misdemeanors eligible to be set aside via the existing application process.
- Revises the waiting period to apply for certain expungements via application for non-automatically expunged violations.
- Treats multiple felonies or misdemeanor offenses arising from the same transaction as a single felony or misdemeanor conviction, provided the offenses happened within 24 hours of one another and are not assaultive crimes, or involve possession or use of a dangerous weapon, or are crimes that carry penalties of 10 or more years in prison.
- Expands expungement eligibility to various traffic offenses.
- Allows a person to petition to set aside one or more marijuana offenses if the offense would not have been a crime if committed after the use of recreational marijuana by adults became legal in Michigan.

### **Investing in Clean Slate**

Implementing automated criminal record expungements will require a significant investment in the necessary technologies across state and local governments. To support these efforts, Governor Whitmer recommends a fiscal year 2021 supplemental request to the Legislature that includes \$19 million to support the coordinated development of automated criminal record expungement systems in the Departments of Attorney General, Corrections, State Police, and the Judiciary. To support these systems into the future, the Governor’s fiscal year 2022 Executive Budget Recommendation includes \$2.2 million for ongoing program support and maintenance costs including \$560,000 for the Department of Attorney General, \$605,000 for the Judiciary, and \$1.1 million for the Department of State Police.

A coordinated development effort, led by the Department of State Police, will help ensure that all systems housing criminal records across the criminal justice system include the enhancements and ongoing support necessary to provide for automatic expungement. Once complete, these systems are anticipated to provide a clean slate to more than 500,000 people and help make Michigan a national leader in criminal justice reform.