

In April 2021, Michigan enacted the Clean Slate Law to help those with criminal records seek expungement through the legal system. The law will help people find better jobs, qualify for housing and higher education loans, and give peace of mind that past mistakes are no longer a hindrance. Courts may set aside your conviction(s) if you meet specific criteria.

Criteria You Must Meet

Your crime(s) must be ones that can be expunged or set aside.

- o For example, most criminal sexual conduct convictions, some child abuse crimes, felony domestic violence if you have a previous misdemeanor domestic violence conviction, terrorism or human trafficking **cannot be expunged**.
- o Convictions for which the maximum punishment is life in prison cannot be set aside.

You may have too many convictions.

- o If you have more than three felony offenses in Michigan you might not be able to expunge any convictions, with the exception of misdemeanor marijuana offenses.

There are waiting periods.

- o The waiting periods range from none at all for misdemeanor marijuana related crimes to seven years for more than one felony conviction.

The Process of Cleaning Your Record

You do not need an attorney to set aside your conviction(s). However, it is strongly recommended given the complexities of the law.

If you meet the criteria set forth in the statute, you must submit the required paperwork to the court in which you were convicted. You must also file this same paperwork with the Michigan State Police, the prosecutor in the county in which you were convicted, and the Michigan Attorney General's office. The application should include supporting documentation of why your conviction should be set aside, such as letters of recommendation, attendance at AA (applicable to first-time OWI petitions), or other improvements you have made in your life. Once all the documents are submitted, a hearing will be scheduled in the court you were convicted in.

Costs

Free legal representation may be available to you.

Items you will be responsible for:

- o Obtaining certified copies of your convictions (costs depend on the county);
- o Obtaining fingerprints (may be a fee associated with obtaining them);
- o Application fee to the Michigan State Police for verifying your identity and criminal background (\$50); Notary services (may be a fee associated with obtaining notarization).
- o MILS will help you obtain required items and seek assistance with covering costs.

Starting in February 2022, a first-time operating while intoxicated offense will be eligible for expungement in certain situations.



Please reach out to Michigan Indian Legal Services to see if you are eligible to have your convictions set aside.

Income eligibility thresholds are 200% of the 2021 Federal Poverty Guidelines as set by the U.S. Dept. of Health & Human Services.

**Call (231) 947-0122,
M-F, between
9-12pm, and 1-5pm**

**Safe & Just
Michigan**