

## EXPUNGEMENT CHECKLIST

### MISDEMEANOR/FELONY ADULT OFFENSES

April 11, 2021 and forward

- STEP 1:** [Check your public criminal history at the Michigan State Police's Internet Criminal History Access Tool \(ICHAT\) found here.](#)
  - ICHAT searches cost \$10, and you can save or print a copy of your criminal history so you don't have to pay this fee twice. Running your criminal history on ICHAT may save you time and money by helping you determine if you are statutorily eligible for an expungement.
  
- STEP 2: Determine as best you can if you are statutorily eligible to expunge your conviction by reference to the relevant statutes (laws)**
  - The statutory criteria to expunge a conviction for an adult offense is found within [newly revised MCL 780.621](#) and the laws which follow it. Generally, beginning on April 11, 2021, a person convicted of 1 or more criminal offenses including felonies and misdemeanors, but not more than a total of 3 felony offenses, may file an application with the convicting court to expunge all of his or her convictions. In other words, an applicant can generally expunge up to 3 felony convictions and an unlimited number of misdemeanors. There are exceptions for certain types of convictions which are listed in MCL 780.621(b)(c), and (d) and MCL 780.621c. On the other hand, certain types of convictions that occur within a 24-hour period of time are considered "one" conviction. MCL 780.621b (the "one bad night" law).
  
  - There are waiting periods of either 7, 5, or 3 years depending on the type and number of convictions sought to be expunged. MCL 780.621d.

**STEP 3: Prepare an application to set aside (expunge) your conviction(s)**

You must complete an application to expunge (or what is otherwise known as “set aside”) your conviction. There are online forms (including on this webpage) and tools currently available for doing so.

Any application to expunge a conviction *must* include the following information:

- Your full name and current address.
- A certified record (see below) of each conviction that you are seeking to expunge.
- A statement that you have not been convicted of any offense during the applicable waiting period.
- A statement as to whether you have previously filed an application to expunge/set aside the conviction(s) at issue or any other application and, if so, the result of the application.
- A statement as to whether you have any other criminal charge pending against you in any court in the United States or in any other country.
- A statement that you consent to the use of the nonpublic record created under MCL 780.623.
- Your signature and that of a notary public must be present on the application.

**STEP 4: Obtain a certified copy of your conviction(s)**

You must obtain a certified copy of the judgment of sentence, probation order, or register of actions *for each* of the convictions you are seeking to expunge.

You generally will obtain these documents from the court where you were convicted.

**STEP 5: Obtain an official set of your fingerprints**

- Go to a local police station or Michigan State Police post and ask to have your fingerprints taken on a “Michigan Applicant Fingerprint” card.
- There may be a small fee for having the police fingerprint you on this card.
- The fingerprint card must be completed in its entirety.

**STEP 6: Send the application packet to the Michigan State Police, the convicting court, the prosecuting agency, and the Attorney General**

- Mail the application, a certified copy of the judgment of sentence, probation order, or register of actions for each conviction you are seeking to expunge, the Michigan Applicant Fingerprint card, and a \$50.00 processing fee (in the form of a money order or check made payable to the State of Michigan) to:

Michigan State Police  
CJIC  
P.O. Box 30266  
Lansing, Michigan 48909-7766.

- Mail or personally deliver one *copy* of this application packet to each of the following:
- The court*** where the conviction you are trying to expunge occurred. If you mail the packet, you do this you might want to send two copies and a self-addressed stamped envelope so that the court clerk can send back to you a “time” stamped copy of the application which will prove you filed the application. It would be advisable to call the court clerk before you either mail or personally deliver your application package so that any requirements particular to that court are addressed before you mail or go to the court.

- ❑ The court clerk may—or may not—itsself schedule a hearing on your application. If you are setting your own hearing date, allow at least 2 to 3 months from the date you filed the application packet to allow the Michigan State Police to process your application packet and run your criminal history and for the other parties to respond if they choose to do so. A court *cannot* proceed with the expungement process until it receives a copy of your official criminal history from the Michigan State Police (copies will also be mailed to you, the prosecutor, and the Michigan Attorney General).
- ❑ ***The prosecuting agency that obtained your conviction(s)*** (e.g. the county prosecutor or a city/village attorney). If you don't know the current name and/or address of the county prosecutor, [check this directory](#).
- ❑ ***The Michigan Attorney General*** at the following address:

Department of the Michigan Attorney General Criminal  
Trials and Appeals Division  
G. Mennen Williams Building  
525 W. Ottawa Street  
P.O. Box 30217  
Lansing, MI 48909

- ❑ **STEP 7: Wait for a response from the Michigan State Police, the prosecuting agency, and the Michigan Attorney General**
  - ❑ Once the prosecutor/city attorney and the Michigan Attorney General have received a copy of your application and the official criminal record from the Michigan State Police, either or both of them may file an opposition to your application if you are not eligible based on their review of the official criminal history record. They will mail copies of any documents they file with the court to the address you listed on your application.

**STEP 8: Obtain a hearing date if you don't already have one**

- Once you receive a copy of your official criminal history, and any responses from the county prosecutor, city attorney, or the Michigan Attorney General, if a hearing is not already scheduled on your application before the convicting court, call the clerk of the court to set a date and time for a hearing or for instructions on how to do so.

**STEP 9: Appear at the court hearing**

- Appear at the court hearing at the date and time set by the court.
- The county prosecutor/city attorney may appear at the hearing, but generally, a representative from the Michigan Attorney General will not, instead relying on any response or letter filed with the court.
- You should be prepared to address the court personally, because even if you are otherwise eligible to set aside your conviction(s), the court must also determine your circumstances and behavior from the date of your conviction(s) warrant setting aside the conviction(s), and that setting aside the conviction(s) is consistent with the public welfare. Be prepared to explain how your life has progressed in terms of accomplishments since the date of your conviction(s) and how expunging the conviction(s) is going to help you. You may want to bring with you to the hearing copies of any diplomas or degrees you obtained since your conviction(s), letters speaking to what you have done since your conviction(s), witnesses who can speak to what you have done since your conviction(s), and any other information you believe might help the court make this determination. If you can, attach any documents these to the application you file with the court so that the court and the parties have copies of them prior to the hearing (some courts will require you to do so rather than bring them in on the date of your hearing).

**STEP 10: The court's ruling**

- After hearing from you and the county prosecutor (if applicable), and reviewing the application and any responses to it, and any witnesses, the judge will either grant or deny your application (if your application is denied skip to STEP 13).
- If your application is granted and the conviction is expunged, the judge will fill out and sign an order on the application. Make sure you are given a copy of the order.

**STEP 11: If your application is granted, make sure of the following before you leave the courthouse**

- Make sure that the court clerk has a copy of the order granting your application.
- Ask if the court clerk will also be sending a copy to the all the parties, including the Michigan State Police and the police agency that was involved in obtaining your conviction(s). If not, you should send a copy of the order to these agencies.

**STEP 12: Check to make sure your conviction has been expunged**

- About one month to six weeks after the court ordered expungement of your conviction(s), check on ICHAT to see if your conviction(s) are still public. If so, contact the Michigan State Police's Criminal History Section at 517-241-0606. You may need to send the Criminal History Section a copy of the signed expungement order if it did not receive it from the court.

□ **STEP 13: If the court has denied your application. What can you do from there if you believe that the court incorrectly did so? One of two things:**

1. You can ask the court to *reconsider* its decision within twenty-one (21) days of the date of the order, by preparing and filing a motion for rehearing. This motion will need to explain why the court is wrong. You will need to send or deliver a copy of your motion to the court and to the prosecuting agency.
2. You can *appeal* the court's order to the next highest court. If you are in a state district court, you will need to appeal to the county circuit court for your area. If you are in a state circuit court, you will need to appeal to the Court of Appeals. The rules for such appeals differ depending on whether you are appealing a district court decision or a circuit court decision. There are fees for both kinds of appeals. It may be best to consult with an attorney before taking an appeal to either the circuit court or the Court of Appeals.