Expungement bills aim to help deserving people get back on their feet

Clearing of criminal records opens up new opportunities, improves lives

by Michigan Rep. Graham Filler (GrahamFiller@house.mi.gov)

T amika Mallory dreams of starting an in-home adult foster care business. All that is holding her back are a couple of mistakes she made two decades ago.

The Detroit resident has three misdemeanors on her record — two related to marijuana and one from a traffic offense. Even though she has been crime-free for 20 years, the mistakes she made as a younger woman are keeping her from obtaining the license she needs to start her business.

There are tens of thousands of people across the state in similar situations because of their criminal records. People with even minor convictions find it hard to succeed due to barriers that make it more difficult to find jobs, housing and educational opportunities.

Their stories are the inspiration behind our new plan in Michigan to make it easier for people to move beyond their criminal histories. The legislation (HB 4980-4985), introduced in September by a bipartisan coalition of state representatives, will make Michigan a national leader in criminal justice reform by greatly expanding the number of people who are eligible to clear their records and access opportunities to help them move on with their lives and provide for their families.

Expand the eligibility pool

A University of Michigan Law School study published earlier this year found nothing to suggest that granting someone an expungement puts the public at risk. In fact, researchers found that people who obtain set-asides (the term used in Michigan for any kind of sealing of records) have extremely low subsequent crime rates, comparing favorably to the general population.

The same study found that people whose criminal records are cleared tend to experience a sharp upturn in their wage and employment trajectories. On average, wages went up by 25 percent within two years of the expungement.

These results were observed under Michigan’s current expungement law, which is very narrow in scope. Right now, only individuals with one felony or two misdemeanors qualify, and they must wait a minimum of five years before starting the expungement process.

The legislative solution we’re working on would greatly expand this opportunity — for example, to an additional 100,000 people in Wayne County alone (and that’s a low estimate). Our plan would allow for up to three felonies and four misdemeanors to be set aside, expand eligible crimes to include traffic offenses, and shorten the timeline for eligibility.

Another key piece of this legislative package: Ensure that people with past marijuana convictions will have those convictions set aside if the behavior that led to the conviction would be permissible under current law. (The use of recreational marijuana is now legal in Michigan.) Most of these individuals would be eligible to petition for expungement immediately.

Under our plan, too, special consideration would be given to people who have multiple offenses on their record from one bad mistake. It would allow crimes committed within a 24-hour period for the same act to be treated as a single felony or misdemeanor for the purposes of expungement.

The final piece of our plan would provide automatic expungement for people with minor felonies and misdemeanors after 10 years of being crime-free.

Scope of offenses eligible for judicial closure of conviction records, via expungement or sealing of records

- Some, many or most felonies; most misdemeanors
- Few felonies, many misdemeanors
- Misdemeanors only
- No closure of records on convictions

Source: Restoration of Rights Project

Overview of Michigan’s bipartisan ‘clean the slate’ legislative package

- Greatly expand the number of people eligible to seek expungement of their criminal records
- Allow certain past convictions for marijuana offenses to be expunged
- Establish automatic expungement in some cases
- Streamline the process for those seeking to have past criminal records expunged

People whose criminal records are cleared tend to experience a sharp upturn in their wage and employment trajectories.

Streamline the expungement process

Right now, many people eligible for expungement do not realize they qualify. Others are deterred by the cost and time associated with the long and complicated process — paying court fees, getting fingerprinted and filling out a tremendous amount of paperwork.

The same University of Michigan study found that just 6.5 percent of people who qualify received an expungement within five years of becoming eligible. Our “clean slate” bill will improve the process to make expungement as simple and painless as possible for people who pose very little threat to public safety.

I’m proud to work with representatives from both sides of the aisle on this important issue. I truly believe that the work we’re doing will knock down barriers and make it easier for people to earn a decent living, obtain stable housing, and access education and training opportunities to help them get ahead.


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