



Setting-Aside an Adult Criminal Record in Michigan



MISDEMEANOR MARIJUANA CONVICTIONS

The passage of the Clean Slate package of bills allows for marijuana offenses to be set aside if they would not be considered illegal after 12/6/2018, the date adult use/recreational marijuana became legal in the state of Michigan.

A person convicted of 1 or more misdemeanors or local ordinance marijuana crimes may petition the convicting court to set aside their convictions.

[Marijuana Set-Aside Application](#)

SET-ASIDE ELIGIBILITY AFTER 4/11/2021

- Unlimited non-serious misdemeanors can be set-aside after 3 years.
- One felony can be set aside after 5 years.
- Two or three felonies can be set-aside after 7 years.
- No more than 2 assaults can be set-aside.
- Cannot have more than one felony for the same offense if the maximum sentence was 10 years or more.

[General Set-Aside Application](#)

[MORE INFO HERE](#)

AUTOMATIC SET-ASIDE AFTER 10/2022

- Misdemeanor convictions with sentences of 92 days or less are automatically set-aside after 7 years.
- There is a limit of 4 misdemeanors for automatic set aside for sentences greater than 93 days (serious misdemeanors).
- Felony conviction may be automatically set aside after 10 years.
- No more than 2 felonies and 4 misdemeanors automatically set-aside in a person's lifetime.

1) Obtain Records

ICHAT - \$10
Certified court records
\$10 + \$1 per page

2) Fill out application

Need the date and charges of conviction.
(DO NOT SIGN YET.)

3) Get Fingerprinted

(RI-008 fingerprint card)
any local law enforcement agency - \$25

4) Sign Application and get Notarized

Notary cost - \$10

5) Make Copies

Make five (5) copies of application.

6) File application

Call county clerk's office for procedure and file in person, if possible.

7) Mail copies to:

- MI State Police (*Include certified record and \$50 money order payable to State of MI*)
- MI Attorney General
- County Prosecuting attorney

8) Complete Proof of Service.

Fill out Proof of Service section on remaining copy. Take copy to court with you.

9) Prepare for your hearing and be on time

Gather documents, get letters of support and detail accomplishments.

The cost for expunging a single record starts at \$105.

Crimes that do not qualify - felonies that carry a maximum punishment of life in prison, most charges of criminal sexual conduct, DWI/DUI and traffic offenses that cause injury or death, and more.

Under Clean Slate legislation, effective 4/11/2021, most crimes committed in the same 24-hour period arising from the same transaction are counted as a single offense.

Charges dismissed, or deferred, count as misdemeanors for purposes of applying for set-aside. Do not apply early and get denied! If a petition is denied, an application cannot be resubmitted for 3 years.

***This is not legal advice. For informational purposes only.**



Legal Resources to Set Aside Your Criminal Record in Michigan



MICHIGAN LEGAL HELP

The Counsel and Advocacy Law Line (**CALL**) offers attorney-staffed telephone advice, brief service, and referrals to seniors and other low-income people. Eligible clients receive immediate legal advice and brief service, and ineligible callers are offered private bar and social service referrals

- **CALL** Contact # - (888) 783-8190
- Apply [online](#).

*Set-Aside/expungements are civil and not criminal cases.

THE STATE BAR OF MICHIGAN

- (800) 968-0738
- Free online directory search for lawyers practicing in the area and geographic location.
- \$25 Administrative Fee for a 25-minute consultation
8:30am-4:30pm, M-F

LAW HELP INTERACTIVE

- Interactive platform that helps you fill out legal documents for free. It walks you through the application process. ICHAT/Court documents needed.
- No fee.

Mailing Address for State Police:

Michigan State Police
Criminal Justice Information Center-
Criminal History
P.O. Box 30266
Lansing, MI 48909

Mailing Address for Atty. General

Michigan Attorney General
Criminal Trial and Appellate Division
P.O. Box 30212
Lansing, MI 48909
Telephone #: 517-335-7650

[Interactive Link to County Prosecuting Attorneys/Mailing Addresses](#)

*This is not legal advice. For informational purposes only.

