

Safe & Just Michigan

Clean Slate “Clean up” of Non-Conviction Records

1. Automatically seal non-conviction records that didn't result in convictions

- a. **Problem:** Arrest and charge records can have a similar impact on employment and housing opportunities as conviction records, but expungement law currently only applies to conviction records. Because of this, it is harder to seal many arrest and charge records that did not result in a conviction than it is to seal arrest and charge records that did.
- b. **Solution:** Pass a law to ensure non-conviction records are automatically sealed if (1) the case is dismissed on the merits, or (2) the case remains pending past the Statute of Limitations (6 years).
- c. **Impact of Solution:** This would automatically **seal hundreds of thousands, and perhaps millions**, of arrest and charge records that did not result in convictions.

2. Eliminate “hanging charges” by adding non-conviction records to Automatic Process

- a. **Problem:** Due to human error at the court level or inaction by a prosecutor's office, it is relatively common for a person to have a “hanging charge” or “open charge” - i.e. a criminal record with completed arrest and charge segments but no conviction segment - on their record. Hanging charges are a problem because they prevent all other eligible charges from being automatically sealed. See MCL 780.621g(6)(b). As a result, many people who are eligible for automatic expungement are being blocked from benefitting from it without their knowledge and through no fault of their own.
- b. **Solution:** Ensure that cases pending past the Statute of Limitations (6 years) are automatically sealed. This would clean up hanging charges after six years, and seal all eligible underlying records that were blocked by the hanging charge.
- c. **Impact of Solution:** Our understanding is that **tens of thousands** of convictions have been blocked from automatic sealing by hanging charges **in Wayne County alone**. The problem is greatest in Wayne County, but exists across the state. So tens of thousands of people would benefit from this change.

Questions? Contact Safe & Just Michigan at 517.482.7753 or info@safeandjustmi.org

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