

# THE ALPENA NEWS

## Criminal records expungement could be automatic under bills

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For many Michiganders, a criminal record stands between them and the ability to earn a good living.

Michigan is on track to become the first state to automatically expunge criminal records of certain misdemeanor and low-level felony convictions, if Gov. Gretchen Whitmer signs bills approved by the Legislature last week.

The bill package would greatly expand the number of people who can have their record expunged — made invisible to the public while still accessible to courts and police. For many, that expungement would happen automatically, without the need for a lengthy court process or mountain of paperwork.

The expungement would require a clean court record since the original conviction and would not apply to violent crimes or other serious crimes.

The change would be a welcome escape from the repercussions of a one-time, low level crime conviction, backers say.

*“Those things can sit there,”* Alpena defense attorney Mike Lamble said. *“Convictions can haunt you.”*

County residents regularly make their way through the 88th District Court facing non-violent misdemeanor charges. In 2019, 354 people were convicted in the county for misdemeanors like shoplifting, trespassing, or disorderly conduct, according to the State Court Administrative Office.

Those convictions follow a person for years, making it hard to get a job, apply for financial aid, receive public benefits, or get a loan approved.

Lamble regularly works with clients who face the long-term effects of a conviction. He’s seen people who have walked away from all criminal activity thwarted from caring for their families as they’d like because of something they did decades before.

*“Without that opportunity, you can really wreck some young person’s life,”* Lamble said. *“Kind of forever.”*

The bill package heading to Whitmer's desk would drastically expand the number of people who could be eligible for expungement and automate some of the process.

Circumventing a rigorous application process and lengthy court struggle to get a record cleared, the bills would expunge eligible misdemeanor records automatically seven years after sentencing or incarceration, or 10 years for felonies.

Up to two felony or four misdemeanors convictions could be automatically expunged — for the first time including many traffic offenses.

The bill broadens the pool of eligible applicants by allowing people with more convictions on their record to seek expungement.

Previously, only someone with no more than one felony offense and two misdemeanor offenses could apply. The option is now open to people with more convictions, including up to three felony offenses.

If the bills are signed, courts would be required to set aside marijuana-related convictions if the offense wouldn't have been a crime after use of the drug became legal in Michigan.

People convicted for driving while intoxicated would not be eligible for expungement.

The bills would also shorten the waiting time for applying for expungement to three years for misdemeanors, down from five years.

While expungement reform has become increasingly popular nationwide in recent years, only four other states clear offenses automatically. Michigan would be the first state to allow low-level felonies to be cleared without an application process.

Expungement has long been an option in Michigan, but it's not a given that all eligible crimes will be removed from people's records.

Of those who could apply for expungement, only 6.5% have their records expunged, the Cato Institute, a libertarian think tank, found in a study of Michigan criminal records. The low rate is mostly because of the daunting process applicants must navigate, the study found.

Automatic expungement could dramatically increase the number of people freed to better their lives and care for their families, Lamble said.

The study, which looked at post-expungement employment history, showed quarterly wages rose by 23% within a year of expungement, mostly because employers were suddenly willing to hire.

Only 4% of Michiganders whose records were expunged as of 2014 were reconvicted within five years.

The laws would take effect two years from the date it is signed. The bill making traffic offenses eligible for expungement would take effect 90 days after enactment.