SBM STATE BAR OF MICHIGAN

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State Bar of Michigan Supports Revised Criteria For Criminal Record Expungement

The State Bar of Michigan has historically adopted positions of support for legislation that revises the criteria for criminal record expungement to allow for increased opportunities to apply for expungement. In its history of support, the State Bar has recognized the need for certain important exclusions, such as crimes related to domestic violence offenses. The State Bar has also indicated support for maintaining the current length of time it takes to expunge a conviction.

The State Bar of Michigan's Board of Commissioners has yet to review HB 4405 but based on its prior record, is likely to be supportive of the bill's intent and scope.

The State Bar's history of support is based on a broad spectrum of recommendations from the legal community, including its sections and committees. The State Bar's Criminal Jurisprudence and Practice Committee, Criminal Law Section, Justice Initiatives Committee, and Prisons and Corrections Section have all registered support. Criminal defense attorneys, prosecutors and judges alike have supported this effort.

Reasons for support include:

- Individuals are able to apply for expungement based on specifically defined criteria in the sentencing court from which the conviction was imposed. A judge maintains discretion to review each case based on its individual merits.
- The ability to expunge a record allows for improved reintegration into the community for past offenders who can clearly demonstrate rehabilitation.
- Criminal convictions carry significant civil collateral consequences, such as the inability to enter military service, and denial of access to public housing or private housing (landlords will also often refuse residency to private housing based on criminal records), federal student loans and employment opportunities. Often the avenues that past offenders wish to pursue to further their lives as contributing members of society are closed due to a conviction. These prohibitions are significant to the offender but also to family members, such as children who are refused housing as a consequence of their parent's conviction.
- Often multiple criminal convictions arise from a single incident. Currently, an individual can only apply for expungement for one conviction. Increasing the opportunity for expungement could allow an individual who has been successfully rehabilitated to have a record expunged from the single incident.

Questions can be directed to Elizabeth Lyon, Director of Governmental Relations, at (517) 346-6325 or elyon@mail.michbar.org.