

# Michigan



*The letter grades reflect Polaris' evaluation of existing laws designed to provide survivors of human trafficking with a realistic pathway to clear their criminal records. For more information on the criteria graded, please read [here](#) and examples of model legislation for each criteria can be found [here](#). If you have any questions or issues, please contact [policy@polarisproject.org](mailto:policy@polarisproject.org).*

## GOOD FOR SURVIVORS:

### Legal Effect:

In Michigan, the law returns the survivor to pre-record status. This means that for all practical purposes, once the process is complete, it is as if the offense never happened. For example, a statute receiving the highest ranking indicates that the conviction is vacated “on the merits” - meaning the charges never should have been brought in the first place. The highest-ranking statutes also include the automatic destruction of the records so they cannot be used against the survivor in the future.

### Burden of Proof:

The current burden of proof in Michigan is a “preponderance of the evidence,” which aligns with the level of proof survivors typically are able to use to establish their victimization.

### Arrests and Adjudication Relief:

Michigan allows trafficking survivors to clear their criminal record of arrests, adjudications, convictions, incident reports, non-prosecuted cases, and related records.

## NEEDS IMPROVEMENT:

### Limits the Number of Offenses Eligible for Relief:

Michigan restricts the number of offenses that a survivor can apply and be granted relief for, which means that a survivor may only be allowed to clear a small percentage of their overall criminal record even though all of these offenses may be tied to their victimization.

### Trafficking Nexus:

Survivors in Michigan must prove the underlying offense and subsequent record was “proximately caused by” or “as a direct result of” being trafficked. Ideally, legislators in Michigan would change the statute to utilize less restrictive statutory language like “as a result” of trafficking or “while they were a victim” of trafficking.

### Offenses Covered:

The narrow scope of offenses currently covered by the criminal record relief statute in Michigan is inadequate because relief only applies to prostitution-related offenses - yet the range of offenses for which survivors are arrested and prosecuted is much broader. Ideally, legislators in Michigan would expand the statute to include all offenses so more survivors are eligible for relief.



Statute: [Mich. Comp. Laws Ann. § 780.621\(4\)](#)