



Memo In Support of SB 662

The Recording Industry Association of America (RIAA)¹ offers its support for SB 662, legislation that will limit the admissibility of creative or artistic expression against a defendant in a criminal proceeding.

Rooted in imagination, creative expression's greatest capacity is to lift us out of the real world and to present us with the unexpected, the unlikely, and the unthinkable. Hyperbole and fantastical imagery are customary, and often necessary, elements of that creative expression. Bob Marley and Eric Clapton understood this when they sang about shooting the sheriff. Johnny Cash understood it when he claimed to have "shot a man in Reno just to watch him die." And no one truly believed that Freddie Mercury "just killed a man" in Queen's "Bohemian Rhapsody."

Yet, when rap and hip hop artists adhere to this time-honored tradition of make-believe, their lyrics are too often – and unfairly – taken literally, stripped of the poetic license afforded other genres. While such mischaracterization may be uneventful in everyday music consumption, its application in criminal proceedings can skew the truth and destroy artists' lives.

SB 662 strikes the right balance, establishing a proper process to consider admissibility of creative or artistic expression. While it doesn't preclude such admission, it correctly establishes an initial benefit of the doubt that affords creators the proper space to perform their craft. We sincerely thank Senator Charles for introducing the bill and for his support and leadership on this important issue.

Please pass SB 662.

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¹ The RIAA is the trade organization that supports and promotes the creative and commercial vitality of music labels in the United States, the most vibrant recorded music community in the world. Our membership – which includes several hundred companies, ranging from small-to-medium-sized enterprises to global businesses – creates, manufactures and/or distributes sound recordings representing the majority of all legitimate recorded music consumption in the United States. In support of its mission, the RIAA works to protect the intellectual property and First Amendment rights of artists and music labels; conducts consumer, industry, and technical research; and monitors and reviews state and federal laws, regulations, and policies.