



## Testimony for the Senate Judicial Proceedings Committee

February 11th, 2026

### SB 475- Criminal Procedure - Evidence - Protecting the Admissibility of Creative Expression (PACE Act)

OLIVIA SPACCASI  
PUBLIC POLICY  
ANALYST

AMERICAN CIVIL  
LIBERTIES UNION  
OF MARYLAND

3600 CLIPPER MILL  
ROAD  
SUITE 350  
BALTIMORE, MD 21211  
T/410-889-8555  
F/410-366-7838

WWW.ACLU-MD.ORG

OFFICERS AND  
DIRECTORS  
Corey Stottlemyer  
PRESIDENT

DANA VICKERS  
SHELLEY  
EXECUTIVE DIRECTOR

ANDREW FREEMAN  
GENERAL COUNSEL

#### FAVORABLE

The ACLU of Maryland urges a favorable report on SB 475, which seeks to create needed guidelines on the admissibility of creative expression-based evidence in criminal proceedings. SB 475 reinforces the legal protections guaranteed to all Marylanders by the First Amendment.

One of the primary legal issues SB 475 addresses is the interpretation and relevance of creative expression, such as rap lyrics, in criminal proceedings. There is inherent ambiguity and subjectivity involved in interpreting artistic works, especially those rooted in cultural contexts such as rap music.<sup>1</sup> Without clear guidelines and criteria for assessing the intent and relevance of creative expression, there is a risk of misinterpretation and prejudice against defendants.

Another issue that SB 475 combats is the potential for creative expression to be misused as evidence of guilt or criminal behavior. Throughout the country, and more importantly the state of Maryland, rap lyrics have been introduced as evidence in criminal trials to portray defendants as violent or dangerous individuals, without proper consideration of the artistic nature of the expression or the context in which it was created.<sup>2</sup> SB 475 seeks to address this issue by requiring the court to make specific findings regarding the intent, relevance, and probative value of creative expression before admitting it as evidence. If there is no probative value to be gleaned from the creative expression with regard to the facts of the matter before the court, the evidence should not be admissible.

On First Amendment grounds, allowing instances of creative expression, such as rap lyrics, to be used against defendants in criminal

---

<sup>1</sup>[https://www.americanbar.org/groups/communications\\_law/publications/communications\\_lawyer/2023-winter/lyrics-limine-rap-music-and-criminal-prosecutions/#52](https://www.americanbar.org/groups/communications_law/publications/communications_lawyer/2023-winter/lyrics-limine-rap-music-and-criminal-prosecutions/#52)

<sup>2</sup> *Id.*

proceedings could have a chilling effect on artistic expression, particularly within marginalized communities where rap music serves as a form of cultural expression and social commentary. The Maryland Court of Appeals has admitted as much with regard to rap lyrics and the “prejudicial effect that often accompanies their admission.”<sup>3</sup> SB 475 is needed in this state to ensure that the First Amendment right to creative expression is not infringed upon by our criminal justice system.

For these reasons, the ACLU of Maryland urges a favorable report on SB 475.

AMERICAN CIVIL  
LIBERTIES UNION  
FOUNDATION OF  
MARYLAND

---

<sup>3</sup> *Hannah v. State*, 420 Md. at 339.