

Chapter 517

(Senate Bill 475)

AN ACT concerning

**Criminal Procedure – Evidence – Protecting Artists’ Creative Expression
(PACE Act)**

FOR the purpose of providing that the creative expression of a criminal defendant or juvenile respondent is not admissible against the defendant or respondent unless the court makes certain findings, subject to a certain exception; and generally relating to the admissibility of creative expression in criminal or juvenile proceedings.

BY adding to

Article – Courts and Judicial Proceedings

Section 10–926

Annotated Code of Maryland

(2020 Replacement Volume and 2025 Supplement)

SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND,
That the Laws of Maryland read as follows:

Article – Courts and Judicial Proceedings

10–926.

(A) (1) IN THIS SECTION, “CREATIVE EXPRESSION” MEANS THE EXPRESSION OR APPLICATION OF CREATIVITY OR IMAGINATION IN THE PRODUCTION OR ARRANGEMENT OF FORMS, SOUNDS, WORDS, MOVEMENTS, OR SYMBOLS THAT IS ELIGIBLE FOR FEDERAL COPYRIGHT PROTECTION UNDER 17 U.S.C. § 102.

(2) “CREATIVE EXPRESSION” INCLUDES:

- (I) MUSIC;**
- (II) DANCE;**
- (III) PERFORMANCE ART;**
- (IV) VISUAL ART;**
- (V) POETRY;**

(VI) LITERATURE; AND

(VII) FILM.

(B) IN ANY CRIMINAL PROCEEDING OR JUVENILE PROCEEDING, THE CREATIVE EXPRESSION OF A DEFENDANT OR RESPONDENT IS NOT ADMISSIBLE AGAINST THE DEFENDANT OR RESPONDENT UNLESS THE COURT FINDS, BY A PREPONDERANCE OF THE EVIDENCE, THAT:

(1) (I) THE DEFENDANT OR RESPONDENT INTENDED THE CREATIVE EXPRESSION TO BE LITERAL, RATHER THAN FIGURATIVE OR FICTIONAL; OR

(II) IF THE CREATIVE EXPRESSION IS DERIVATIVE, THE DEFENDANT INTENDED TO ADOPT THE LITERAL MEANING OF THE CREATIVE EXPRESSION AS THEIR OWN;

(2) ~~THE CREATIVE EXPRESSION REFERS TO THE SPECIFIC FACTS OF THE ALLEGED OFFENSE; AND~~ THERE IS A CLOSE TEMPORAL AND FACTUAL NEXUS BETWEEN THE CREATIVE EXPRESSION AND THE ALLEGED OFFENSE;

(3) THE CREATIVE EXPRESSION IS RELEVANT TO A DISPUTED ISSUE OF FACT; AND

(4) THE PROBATIVE VALUE OF THE CREATIVE EXPRESSION OUTWEIGHS ITS PREJUDICIAL EFFECT.

(C) NOTHING IN THIS SECTION PRECLUDES THE ADMISSION OF CREATIVE EXPRESSION IN JUVENILE CASES FOR THE PURPOSES OF EVALUATING, RECOMMENDING, OR ORDERING REFERRAL TO MENTAL HEALTH SERVICES OR DIVERSION PROGRAMS.

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect October 1, 2026.

Approved by the Governor, May 12, 2026.