

HOUSE BILL 687

E2

6lr1627
CF SB 475

By: **Delegates Amprey, Boaf, Acevero, Addison, Bouchat, Conaway, Davis, Embry, Fair, Lewis, J. Long, Moreno, Roberson, Ruff, Simmons, Simpson, Stinnett, Taveras, Taylor, Tomlinson, Wilkins, Williams, Woods, and Young**

Introduced and read first time: February 2, 2026

Assigned to: Judiciary

Committee Report: Favorable with amendments

House action: Adopted

Read second time: March 19, 2026

CHAPTER _____

1 AN ACT concerning

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

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

8 BY adding to

9 Article – Courts and Judicial Proceedings

10 Section 10–926

11 Annotated Code of Maryland

12 (2020 Replacement Volume and 2025 Supplement)

13 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND,

14 That the Laws of Maryland read as follows:

15 **Article – Courts and Judicial Proceedings**

16 **10–926.**

17 **(A) (1) IN THIS SECTION, “CREATIVE EXPRESSION” MEANS THE**
18 **EXPRESSION OR APPLICATION OF CREATIVITY OR IMAGINATION IN THE**

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.

Underlining indicates amendments to bill.

~~Strike out~~ indicates matter stricken from the bill by amendment or deleted from the law by amendment.



1 PRODUCTION OR ARRANGEMENT OF FORMS, SOUNDS, WORDS, MOVEMENTS, OR
2 SYMBOLS THAT IS ELIGIBLE FOR FEDERAL COPYRIGHT PROTECTION UNDER 17
3 U.S.C. § 102.

4 (2) "CREATIVE EXPRESSION" INCLUDES:

- 5 (I) MUSIC;
- 6 (II) DANCE;
- 7 (III) PERFORMANCE ART;
- 8 (IV) VISUAL ART;
- 9 (V) POETRY;
- 10 (VI) LITERATURE; AND
- 11 (VII) FILM.

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

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

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

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

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

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

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

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

Approved:

Governor.

Speaker of the House of Delegates.

President of the Senate.