

SENATE BILL 475

E2
SB 1001/25 – JPR

6lr2889
CF HB 687

By: **Senators Sydnor, Charles, West, and Mautz**

Introduced and read first time: February 2, 2026

Assigned to: Judicial Proceedings

A BILL ENTITLED

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

22 (2) “CREATIVE EXPRESSION” INCLUDES:

23 (I) MUSIC;

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



(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

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

(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.