

SENATE BILL 475

E2

(6lr2889)

ENROLLED BILL

— *Judicial Proceedings/Judiciary* —

Introduced by **Senators Sydnor, Charles, West, and Mautz**

Read and Examined by Proofreaders:

Proofreader.

Proofreader.

Sealed with the Great Seal and presented to the Governor, for his approval this

_____ day of _____ at _____ o'clock, _____ M.

President.

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)

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.

Italics indicate opposite chamber/conference committee amendments.



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

3 **Article – Courts and Judicial Proceedings**

4 **10-926.**

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

10 (2) “CREATIVE EXPRESSION” INCLUDES:

- 11 (I) MUSIC;
- 12 (II) DANCE;
- 13 (III) PERFORMANCE ART;
- 14 (IV) VISUAL ART;
- 15 (V) POETRY;
- 16 (VI) LITERATURE; AND
- 17 (VII) FILM.

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

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

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

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

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

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

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

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

Approved:

Governor.

President of the Senate.

Speaker of the House of Delegates.