



March 1, 2024

RE: House Bill 1429/ Senate Bill 662 - PACE Act
POSITION: SUPPORT

We are organizations whose sole purpose is to represent and advocate for the interests of individual music creators (more information about us is below our signatures). On behalf of the many individuals in Maryland who rely on creative and artistic works for their livelihoods, we implore you to support HB1429/SB662 (PACE Act), which will give judges guidance on evaluating whether creative expression such as lyrics, music videos, and other art forms are admissible during criminal trials in order to avoid the harmful prejudicial impact the admission of creative expression frequently has.¹

Current law allows creative expression to be admitted without a sufficiently robust inquiry into whether such material introduces bias or prejudice into the proceedings. The claim that themes expressed in art are indicative of someone's willingness to engage in violent or dishonest behavior is simply false. Today we see the bravado and braggadocious lyrics of various artists being used to prosecute in the rap genre, however, tomorrow it may be country, and Miranda Lambert charged with aggravated assault via the story of domestic violence she sings with gritty emotion in "Gun Powder and Lead". Or Jason Bateman, the lead actor of the Ozark television series, being charged with money laundering utilizing lines from episodes of the television show in the indictment the same way rap lyrics from an album have been used to indict music artists.

HB1429/SB662 (PACE Act) would not establish a blanket prohibition against the use of lyrics (or any artistic expression) as criminal evidence, nor completely impede or bar prosecutors from using rap lyrics as evidence. Instead, the bill would create a filter by which rap lyrics (or other artistic expression) are admissible only if the government first demonstrates a direct (temporal and/or factual) nexus between the lyrics/expression and the facts and circumstances of the alleged crime. HB1429/SB662 (PACE Act) simply codifies the process the Maryland Court of Appeals has utilized to analyze rap lyrics that the government sought and was able to introduce into evidence in *Montague v. State of Maryland*, 471 Md. 657 (2020) due to its direct nexus to the crime, and was prevented from using in *Hannah v. State of Maryland*, 420 Md. 339 (2011) where no relation to the alleged crime existed. These use cases clearly debunk the false narrative that HB1429/SB662 (PACE Act) would create a blanket prohibition

¹ Adam Dunbar and Charis E. Kubrin, "Imagining Violent Criminals: An Experimental Investigation of Music Stereotypes and Character Judgments," *Journal of Experimental Criminology* 14:507-528 (2018).



on use of lyrics, but rather HB1429/SB662 (PACE Act) creates a reasonable filter to ensure judges are equipped with the tools to conduct a fair trial and protection of the constitutional right to free speech.

The right to a fair trial and freedom of speech is a deeply common sense bi-partisan issue. Support of HB1429/SB662 (PACE Act) sends a clear message to Marylanders they can trust its judicial system to be one that is focused on solving crimes with integrity, that courts will be fair to all Marylanders, and that the legislature treasures the right to free speech and creative expression.

Sincerely,

A handwritten signature in black ink, appearing to read "Willie Stiggers", with a long horizontal flourish extending to the right.

Willie "Prophet" Stiggers
Co-Founder, CEO
Black Music Action Coalition (BMAC)

A handwritten signature in black ink, appearing to read "Shay M Lawson", with a long horizontal flourish extending to the right.

Shay M Lawson
Chair, Policy & Governmental Affairs
Black Music Action Coalition (BMAC)

A handwritten signature in black ink, appearing to read "Michelle Lewis", with a long horizontal flourish extending to the right.

Michelle Lewis
Chief Executive Officer
Songwriters of North America (SONA)

A handwritten signature in black ink, appearing to read "Dina LaPolt", with a long horizontal flourish extending to the right.

Dina LaPolt
Co-Founder, Board Member
Songwriters of North America (SONA)

A handwritten signature in black ink, appearing to read "Erin McNally", with a long horizontal flourish extending to the right.

Erin McNally
Executive Director
Songwriters of North America (SONA)



A handwritten signature in black ink that reads "Linda Bloss-Baum".

Linda Bloss-Baum
Government Affairs
Songwriters of North America (SONA)

A handwritten signature in black ink that reads "Susan Genco".

Susan Genco
Founder, Board Member
Music Artists Coalition (MAC)

About Black Music Action Coalition (BMAC)

BMAC is an advocacy organization formed to address systemic racism within the music business. BMAC advocates on behalf of Black artists, songwriters, producers, managers, agents, executives, lawyers and other passionate industry professionals.

Visit BMAC online at www.bmacoalition.org

About Songwriters of North America (SONA)

Songwriters of North America ("SONA") is a non-profit trade organization established to advocate on behalf of professional songwriters before Congress, in the courts, and in other arenas where songwriter interests are at stake.

Visit SONA online at www.wearesona.com

About Music Artists Coalition (MAC)

MAC lobbies on national and state levels regarding issues that impact creators. MAC partners with other industry organizations where appropriate. Music Artists Coalition will speak solely and exclusively on behalf of music creators – performers and songwriters. MAC speaks for artists without compromise.

Visit MAC online at www.musicartistscoalition.com