



March 7, 2025

**Support for HB. 1346 (Amprey) / SB. 1001 (Mautz), the PACE Act**

**AN ACT to amend the criminal procedure law, in relation to rules of evidence concerning the admissibility of evidence of a defendant's creative expression.**

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The Recording Academy ("Academy") is the leading organization representing thousands of individual music makers, including many artists, songwriters, and music producers in Maryland. Together, we whole-heartedly endorse and support **HB. 1346/SB. 1001, the Protecting Admissibility of Creative Expression (PACE) Act** introduced by Delegate Marlon Amprey and Senator Johnny Mautz. The PACE Act will make Maryland a national leader in protecting artistic and creative expression, with only two other states passing similar legislation to date.

Maryland has long been a source of musical inspiration and creativity from the legendary jazz of Billie Holiday to today's hip hop stars like Cordae and Logic. As an industry, music contributes \$1.4 billion to the state's GDP and supports more than 20,000 jobs. However, as the industry continues to blossom, courtrooms in Maryland are threatening to stifle creativity and artistic expression. In recent years, musical works have been used as evidence in criminal proceedings in Maryland, with prosecutors often claiming that aggressive or violent lyrics are indicative of an accused artist's actual behavior.

The PACE Act is a fair solution that addresses this growing prosecutorial trend by ensuring that music, literature, film, and other works of creative expression remain properly protected by the First Amendment. Specifically, the bill establishes an important balance by declaring that a defendant's creative or artistic works may not be used as evidence in a criminal matter unless it is determined by the court to be relevant, and thereby admissible. To overcome a presumption of inadmissibility a prosecutor must demonstrate that:

1. The defendant or respondent intended the creative expression to be literal, rather than figurative or fictional.
2. If the creative expression is derivative, the defendant intended to adopt the literal meaning of the creative expression as their own.
3. The creative expression refers to the specific facts of the alleged offense.
4. The creative expression is relevant to a disputed issue of fact.
5. The creative expression has a distinct probative value that cannot be provided by other admissible evidence.

The PACE Act does not prohibit the use of relevant lyrics in a criminal trial but will instead implement safeguards to ensure that all artists are able to express themselves freely without fear of reprisal from the justice system simply because of the content of their art or because of biases against their chosen art form.

To date, researchers and legal scholars have seen this practice apply, almost exclusively, to hip hop and rap. And while the legislation applies to any and every genre of music, one cannot ignore the detrimental impact the existing practice has had on Black and Brown artists practicing their craft. The imagery used in hip hop that reflects the real-world experiences of these artists have too often been used to bias juries in criminal proceedings. We know Johnny Cash did not shoot a man in Reno just to watch him die, but the same creative license is not afforded to hip hop artists.

The PACE Act (HB. 1346/SB. 1001) represents a crucial step in protecting the creative community and allowing the creative arts to continue to flourish in Maryland. The Academy urges your support.

Respectfully,

A handwritten signature in dark ink, appearing to read "T. Dupler", with a stylized flourish extending from the end.

Todd Dupler  
Chief Advocacy & Public Policy Officer  
Recording Academy