

UNOFFICIAL COPY OF HOUSE BILL 1346

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HB 1429/24 - JUD

HOUSE BILL 1346

5lr1572  
CF SB 1001

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By: **Delegates Amprey, Toles, Acevero, Boafo, Bouchat, Conaway, Crutchfield,  
Davis, Embry, Fair, Harris, Ivey, R. Lewis, J. Long, Martinez, McCaskill,  
Phillips, Roberson, Ruff, Ruth, Simmons, Simpson, Smith, Taylor,  
Tomlinson, Turner, Wilkins, Williams, and Young**

Introduced and read first time: February 7, 2025

Assigned to: Judiciary

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A BILL ENTITLED

1 AN ACT concerning

2 **Criminal Procedure - Evidence - Protecting the Admissibility of Creative**  
3 **Expression**  
4 **(PACE Act)**

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

9 BY adding to  
10 Article - Courts and Judicial Proceedings  
11 Section 10-926  
12 Annotated Code of Maryland  
13 (2020 Replacement Volume and 2024 Supplement)

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

16 **Article - Courts and Judicial Proceedings**

17 **10-926.**

18 **(A) (1) IN THIS SECTION, "CREATIVE EXPRESSION" MEANS THE**  
19 **EXPRESSION OR APPLICATION OF CREATIVITY OR IMAGINATION IN THE**  
20 **PRODUCTION OR ARRANGEMENT OF FORMS, SOUNDS, WORDS, MOVEMENTS, OR**  
21 **SYMBOLS.**

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(2) "CREATIVE EXPRESSION" INCLUDES:

(I) MUSIC;

(II) DANCE;

(III) PERFORMANCE ART;

(IV) VISUAL ART;

(V) POETRY;

(VI) LITERATURE; ~~AND~~

(VII) FILM ; AND

(IX) ANY OTHER WORKS ELIGIBLE FOR FEDERAL COPYRIGHT PROTECTION UNDER 17 U.S.C. § 102.

(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 CLEAR AND CONVINCING 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;

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

(4) THE CREATIVE EXPRESSION HAS PROBATIVE VALUE THAT CANNOT BE PROVIDED BY OTHER ADMISSIBLE EVIDENCE.

(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.

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1       SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect  
2   October 1, 2025.