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DEPUTY MAJORITY WHIP

Economic Matters Committee



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THE MARYLAND HOUSE OF DELEGATES
ANNAPOLIS, MARYLAND 21401

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**Testimony of Delegate Marlon Amprey in support of HB 1346 Criminal Procedure – Evidence –
Admissibility of Creative Expression (PACE Act)**

Dear Chair, Vice Chair, and Members of the Judiciary Committee,

Maryland has long been a hub for artistic and musical innovation. Our state has fostered generations of creative talent, and we must ensure that freedom of artistic expression remains protected. However, the misuse of creative works—particularly rap lyrics—as evidence in criminal proceedings threatens this fundamental right. Across the country, courts have admitted rap lyrics as evidence in criminal trials, often stripping them of their artistic and cultural context. Research by Professor Erik Nielson of the University of Richmond found that rap lyrics were used as evidence in approximately 500 cases between 2009 and 2019.

House Bill 1346 establishes clear and reasonable guardrails for the admissibility of creative expression in criminal and juvenile proceedings. **Under this bill, a defendant's artistic work may only be admitted if:**

1. The court determines that the defendant intended the creative work to be literal rather than figurative or fictional;
2. There is a strong indication that the creative work specifically relates to the alleged offense;
3. The creative work is relevant to a disputed fact in the case; and
4. Its probative value cannot be obtained from other admissible evidence.

HB 1346 does not create a blanket ban on the use of creative expression in court. Instead, it ensures that artistic works are only admitted under fair and just circumstances, when they have clear and direct relevance to a case. Without these guardrails, we risk criminalizing creativity and unfairly targeting artists. This bill upholds fundamental principles of justice by ensuring that artistic expression is not misrepresented as fact without meeting a high evidentiary standard.

The music industry and other arts groups strongly support these protections, recognizing that this issue extends beyond artists—it strikes at the heart of free expression and due process. As policymakers, we must ensure that Maryland remains a place where creativity is encouraged, not punished, and where artists can share their stories without fear that their words will be weaponized against them.

For these reasons, I urge a favorable report on House Bill 1346.

Respectfully,

A handwritten signature in black ink, appearing to read "Marlon Amprey".

Delegate Marlon Amprey
40th Legislative District of Maryland