



MARYLAND LEGISLATIVE LATINO CAUCUS

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TO: Delegate Luke Clippinger, Chair
Delegate Sandy J. Bartlett, Vice Chair
Judiciary Committee Members
FROM: Maryland Legislative Latino Caucus
DATE: March 6, 2025
RE: HB1346 – Criminal Procedure – Evidence – Protecting the
Admissibility of Creative Expression (PACE Act)

The MLLC supports HB1346 – Criminal Procedure – Evidence – Protecting the Admissibility of Creative Expression (PACE Act)

The MLLC is a bipartisan group of Senators and Delegates committed to supporting legislation that improves the lives of Latinos throughout our state. The MLLC is a crucial voice in the development of public policy that uplifts the Latino community and benefits the state of Maryland. Thank you for allowing us the opportunity to express our support of HB1346.

This bill seeks to limit the use of a criminal defendant's or juvenile respondent's creative expression as evidence against them in court. The bill defines "creative expression" broadly, including music, dance, performance art, visual art, poetry, literature, and film. Under this legislation, such expression is inadmissible in criminal or juvenile proceedings unless the court determines by clear and convincing evidence that the defendant intended the expression to be literal rather than figurative or fictional, that it directly relates to the alleged offense, and that its probative value cannot be established by other admissible evidence. The bill does allow for creative expression to be considered in juvenile cases for assessing mental health services or diversion programs. This act aims to protect artistic expression from being unfairly used as evidence in legal proceedings.

HB 1346 protects artistic expression, a fundamental aspect of Latino culture. Latino communities have a deep-rooted tradition of using music, literature, visual arts, and performance to express identity, preserve history, and address social issues. Institutions like the National Museum of the American Latino¹ and studies by the National Park Service² highlight the significant influence of Latino artists in shaping American culture. However, without legal protections, these creative works can be misinterpreted and unfairly used against individuals in criminal proceedings. The Protecting the Admissibility of Creative Expression (PACE) Act ensures that Latino artists can freely express themselves without fear that their lyrics, paintings, or poetry will be weaponized in court.

For these reasons, the Maryland Legislative Latino Caucus respectfully requests a favorable report on HB1346.

¹ Smithsonian Latino Center. *Latino Art and Culture*. National Museum of the American Latino, <https://latino.si.edu/learn/latino-history-and-culture/latino-culture/latino-art>.

² National Park Service. *American Latino Theme Study: The Arts*. U.S. Department of the Interior, 2025, <https://www.nps.gov/articles/latinothemearts.htm>. Accessed 18 Feb. 2025.