

Statement in support of HB687 [PACE Act]

February 13, 2026

Lucius T. Outlaw III

Good afternoon distinguished delegates.

My name is Lucius Outlaw III, and I am a professor at Howard University School of law, where I teach criminal law-related courses. Today I speak on behalf of myself as a criminal law educator, criminal defense attorney, former public defender, and lifetime fan of hip-hop. Please note that I speak for myself, and not as an official representative or on behalf of Howard Law School.

Today I speak in support of HB 687 – the PACE Act. I am using my time to address two common objections to HB 687: (1) the law is not needed due to existing case law precedents; and (2) the law will deprive prosecutors of valuable evidence to prosecute dangerous and harmful criminals.

First objection: the HB 687 is not needed due to existing case law precedents. This is not true. There are good precedents where Maryland courts have barred prosecutors from using a defendant’s rap lyrics as trial evidence. However, these precedents are not sufficient substitutes for HB 687 for three reasons: (1) case law precedents do not establish clear lines in the same way as court rules established by statute; (2) case law precedents are consistently exposed to being overturned or diminished by subsequent trial and appellate judges who disagree with the precedent; and (3) prosecutors and courts readily distinguish the present case from a precedent to avoid applying the precedent’s holding and rule.

Second objection: the law will deprive prosecutors of valuable evidence to prosecute dangerous and/or harmful criminals. This is not true. The PACE Act is not a complete bar to prosecutors using rap lyrics or other artistic expression as evidence. Instead, the PACE Act imposes a test for prosecutors to satisfy if they want to use a defendant’s rap lyrics or artistic expression as criminal evidence. It is a test that is consistent with Maryland case law such as *Hannah v. State*, 420 MD 339 (2011) and *Young v. State*, 2019 WL 28881380 (Md. Ct. Sp. App. 2019). HB 687 embodies the thrust of these precedents – that to be relevant and admissible, a defendant’s rap lyrics must have a direct connection to facts of the case – that is, the lyrics must be statements of historical fact reflecting the conduct and/or circumstances of the case.

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Rap/hip-hop has evolved from being an underground music genre dismissed as a fad to a cultural phenomenon of great influence. Yet despite this influence, the only place that hip-hop has still not achieved the respect on par with other art forms is in our criminal courts. It is time to change that, and HB 687 is an important and needed step in the right direction.

Thank you.