

February 13, 2026

Maryland House of Delegates Judiciary Committee

***Re: Strong Support for the PACE Act (HB687/SB475)***

Dear Members of the Maryland House of Delegates Judiciary Committee,

As the founder and owner of LaPolt Law, P.C., one of the entertainment industry's leading law firms, I and my team of attorneys represent some of the world's most influential performing artists, songwriters, music creators and writers whose creative expression is central to their livelihoods and cultural contributions, and enhances the lives of millions of people around the world every day.

I write to strongly encourage you to support and vote in favor of the PACE Act (HB687/SB475) because this crucial legislation provides essential, common-sense guardrails to protect the First Amendment rights of all artists while ensuring fair and consistent outcomes in Maryland courts.

The PACE Act codifies the Maryland Supreme Court's ruling in *Montague vs. Maryland* (2020) and establishes a thoughtful three-part test for admission of creative expression. This bipartisan legislation addresses a critical need: ensuring that judges focus on the same criteria when evaluating admissibility of creative expression as evidence, rather than allowing cultural misunderstanding or unconscious bias about certain art forms to result in improper admission or use of creative expression in trials. This test reinforces existing Maryland law, and simply ensures that the same standard is applied for all.

For our clients, this issue is particularly urgent. Lyrics, verses, and artistic performances are forms of protected speech—yet they are increasingly being misused as evidence in criminal proceedings. Scholars at the University of Richmond and University of Georgia School of Law have tracked nearly 820 cases nationwide where creative expression was admitted as evidence, with more than 120 occurring in the past two years alone. This troubling trend threatens to chill artistic expression and disproportionately impacts artists from marginalized communities.

The consequences of failing to properly limit creative expression evidence are serious. In the past two years alone, four state courts—in Georgia, Texas, Tennessee, and New York—have reversed or vacated convictions due to improper admission of creative expression. Maryland has faced this issue as well, with a reversal ordered in *Hannah vs. Maryland* (2011). Research from Arizona State School of Law examining more than 160 cases found that trial court judges regularly fail in their required gatekeeper role in this area, demonstrating the need for a legislative remedy.

The PACE Act provides the framework Maryland needs to prevent these failures and uphold basic fairness and equal justice—core American values we should all embrace. By establishing clear criteria for judges to apply consistently, this legislation protects both defendants' constitutional rights and supports Maryland's judiciary in delivering equal justice under the law.

I urge you to vote in favor of HB687/SB475 and ensure that all artists in Maryland can create freely without fear that their protected expression will be weaponized against them.

Thank you for your thoughtful consideration.

Respectfully submitted,

A handwritten signature in black ink, consisting of several overlapping loops and a long horizontal stroke extending to the right.

Dina LaPolt