



February 13, 2026

Support for HB. 687 (Amprey) / SB. 475 (Sydnor), the PACE Act

AN ACT to amend the criminal procedure law, in relation to rules of evidence concerning the admissibility of evidence of a defendant's creative expression.

The Recording Academy ("Academy") is the leading organization representing thousands of individual music makers, including many artists, songwriters, and music producers in Maryland. Together, we whole-heartedly endorse and support **HB. 687 / SB. 475, the Protecting Admissibility of Creative Expression (PACE) Act** introduced by Delegate Marlon Amprey and Senator Charles Sydnor. The PACE Act will make Maryland a national leader in protecting artistic and creative expression, with only two other states passing similar legislation to date.

Maryland has long been a source of musical inspiration and creativity from the legendary jazz of Billie Holiday to today's hip hop stars like Cordae and Logic. As an industry, music contributes \$1.4 billion to the state's GDP and supports more than 20,000 jobs. However, as the industry continues to blossom, courtrooms in Maryland are threatening to stifle creativity and artistic expression. In recent years, musical works have been used as evidence in criminal proceedings in Maryland, with prosecutors often claiming that aggressive or violent lyrics are indicative of an accused artist's actual behavior.

The PACE Act is a fair solution that addresses this growing prosecutorial trend by ensuring that music, literature, film, and other works of creative expression remain properly protected by the First Amendment. Specifically, the bill establishes a presumption that a defendant's creative expression is inadmissible unless a court determines that it is relevant and meets defined evidentiary standards. To overcome this presumption, a prosecutor must demonstrate that:

1. The defendant or respondent intended the creative expression to be literal, rather than figurative or fictional.
2. If the creative expression is derivative, the defendant intended to adopt the literal meaning of the creative expression as their own.
3. The creative expression refers to the specific facts of the alleged offense.
4. The creative expression is relevant to a disputed issue of fact.

The PACE Act does not prohibit the use of relevant lyrics in a criminal trial. Instead, it implements reasonable safeguards to ensure that artists can express themselves freely, without fear that their work will be mischaracterized or used against them based on content, genre, or cultural bias. against their chosen art form.

To date, researchers and legal scholars have seen this practice apply, almost exclusively, to hip hop and rap. And while the legislation applies to any and every genre of music, one cannot ignore the detrimental impact the existing practice has had on Black and Brown artists practicing their craft. The imagery used in hip hop that reflects the real-world experiences of these artists have too often been used to bias juries in criminal proceedings. We know Johnny Cash did not shoot a man in Reno just to watch him die, but the same creative license is not afforded to hip hop artists.

The PACE Act (HB. 687 / SB. 475) represents a crucial step in protecting Maryland's creative community and ensuring that the arts can continue to thrive without undue interference from the justice system. The Recording Academy respectfully urges your support.

Respectfully,

A handwritten signature in black ink, appearing to read "T. Dupler", written over a light blue horizontal line.

Todd Dupler
Chief Advocacy & Public Policy Officer
Recording Academy