

HOUSE BILL 1429

E2
HB 940/23 – JUD

4lr1298
CF SB 662

By: **Delegates Amprey, Toles, Boaf, Bouchat, Conaway, Crutchfield, Harris, J. Lewis, Munoz, Pasteur, Phillips, Roberson, Ruff, Simmons, Smith, Stewart, Taylor, Tomlinson, Wells, and Wilkins**

Introduced and read first time: February 9, 2024

Assigned to: Judiciary

A BILL ENTITLED

1 AN ACT concerning

2 **Criminal Procedure – Evidence – Protecting the Admissibility of Creative**
3 **Expression**
4 **(PACE Act)**

5 FOR the purpose of providing that the creative expression of a criminal defendant or
6 juvenile respondent is not admissible against the defendant or respondent unless the
7 court makes certain findings; and generally relating to the admissibility of creative
8 expression in criminal or juvenile proceedings.

9 BY adding to
10 Article – Courts and Judicial Proceedings
11 Section 10–925
12 Annotated Code of Maryland
13 (2020 Replacement Volume and 2023 Supplement)

14 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND,
15 That the Laws of Maryland read as follows:

16 **Article – Courts and Judicial Proceedings**

17 **10–925.**

18 **(A) (1) IN THIS SECTION, “CREATIVE EXPRESSION” MEANS THE**
19 **EXPRESSION OR APPLICATION OF CREATIVITY OR IMAGINATION IN THE**
20 **PRODUCTION OR ARRANGEMENT OF FORMS, SOUNDS, WORDS, MOVEMENTS, OR**
21 **SYMBOLS.**

22 **(2) “CREATIVE EXPRESSION” INCLUDES:**

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



- 1 **(I) MUSIC;**
2 **(II) DANCE;**
3 **(III) PERFORMANCE ART;**
4 **(IV) VISUAL ART;**
5 **(V) POETRY;**
6 **(VI) LITERATURE;**
7 **(VII) FILM; AND**
8 **(VIII) OTHER SIMILAR OBJECTS OR MEDIA.**

9 **(B) IN ANY CRIMINAL PROCEEDING OR JUVENILE PROCEEDING, THE**
10 **CREATIVE EXPRESSION OF A DEFENDANT OR RESPONDENT IS NOT ADMISSIBLE**
11 **AGAINST THE DEFENDANT OR RESPONDENT UNLESS THE COURT FINDS, BY CLEAR**
12 **AND CONVINCING EVIDENCE, THAT:**

13 **(1) (I) THE DEFENDANT OR RESPONDENT INTENDED THE**
14 **CREATIVE EXPRESSION TO BE LITERAL, RATHER THAN FIGURATIVE OR FICTIONAL;**
15 **OR**

16 **(II) IF THE CREATIVE EXPRESSION IS DERIVATIVE, THE**
17 **DEFENDANT INTENDED TO ADOPT THE LITERAL MEANING OF THE CREATIVE**
18 **EXPRESSION AS THEIR OWN;**

19 **(2) THE CREATIVE EXPRESSION REFERS TO THE SPECIFIC FACTS OF**
20 **THE ALLEGED OFFENSE;**

21 **(3) THE CREATIVE EXPRESSION IS RELEVANT TO A DISPUTED ISSUE**
22 **OF FACT; AND**

23 **(4) THE CREATIVE EXPRESSION HAS PROBATIVE VALUE THAT**
24 **CANNOT BE PROVIDED BY OTHER ADMISSIBLE EVIDENCE.**

25 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
26 October 1, 2024.