

HOUSE BILL 687

E2

6lr1627
CF SB 475

By: **Delegates Amprey, Boafo, Acevero, Addison, Bouchat, Conaway, Davis, Embry, Fair, Lewis, J. Long, Moreno, Roberson, Ruff, Simmons, Simpson, Stinnett, Taveras, Taylor, Tomlinson, Wilkins, Williams, Woods, and Young**

Introduced and read first time: February 2, 2026

Assigned to: Judiciary

A BILL ENTITLED

1 AN ACT concerning

2 **Criminal Procedure – Evidence – Protecting Artists' Creative Expression**
3 **(PACE Act)**

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

8 BY adding to
9 Article – Courts and Judicial Proceedings
10 Section 10–926
11 Annotated Code of Maryland
12 (2020 Replacement Volume and 2025 Supplement)

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

15 **Article – Courts and Judicial Proceedings**

16 **10–926.**

17 **(A) (1) IN THIS SECTION, “CREATIVE EXPRESSION” MEANS THE**
18 **EXPRESSION OR APPLICATION OF CREATIVITY OR IMAGINATION IN THE**
19 **PRODUCTION OR ARRANGEMENT OF FORMS, SOUNDS, WORDS, MOVEMENTS, OR**
20 **SYMBOLS THAT IS ELIGIBLE FOR FEDERAL COPYRIGHT PROTECTION UNDER 17**
21 **U.S.C. § 102.**

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; AND
- 7 (VII) FILM.

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

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

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

18 (2) THE CREATIVE EXPRESSION REFERS TO THE SPECIFIC FACTS OF
19 THE ALLEGED OFFENSE; AND

20 (3) THE CREATIVE EXPRESSION IS RELEVANT TO A DISPUTED ISSUE
21 OF FACT.

22 (C) NOTHING IN THIS SECTION PRECLUDES THE ADMISSION OF CREATIVE
23 EXPRESSION IN JUVENILE CASES FOR THE PURPOSES OF EVALUATING,
24 RECOMMENDING, OR ORDERING REFERRAL TO MENTAL HEALTH SERVICES OR
25 DIVERSION PROGRAMS.

26 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
27 October 1, 2026.