
HOUSE COMMITTEE AMENDMENTS

2023 Regular Session

Amendments proposed by House Committee on Administration of Criminal Justice to
Original House Bill No. 475 by Representative MageeAMENDMENT NO. 1

On page 1, line 2, after "To" and before the comma "," change "enact Code of Criminal Procedure Article 718.2" to "amend and reenact Code of Evidence Article 404(B)(1) and to enact Code of Criminal Procedure Article 718.2"

AMENDMENT NO. 2

On page 1, line 4, after "definitions;" delete the remainder of the line and insert "to provide relative to the admissibility of a defendant's creative or artistic expression in a criminal case; and to"

AMENDMENT NO. 3

On page 2, between lines 21 and 22, insert the following:

"Section 2. Code of Evidence Article 404(B)(1) is hereby amended and reenacted to read as follows:

Art. 404. Character evidence generally not admissible in civil or criminal trial to prove conduct; exceptions; other criminal acts

* * *

B. Other crimes, wrongs, or acts; creative or artistic expression. (1)(a) Except as provided in Article 412 or as otherwise provided by law, evidence of other crimes, wrongs, or acts is not admissible to prove the character of a person in order to show that he acted in conformity therewith. It may, however, be admissible for other purposes, such as proof of motive, opportunity, intent, preparation, plan, knowledge, identity, absence of mistake or accident, provided that upon request by the accused, the prosecution in a criminal case shall provide reasonable notice in advance of trial, of the nature of any such evidence it intends to introduce at trial for such purposes, or when it relates to conduct that constitutes an integral part of the act or transaction that is the subject of the present proceeding.

(b)(i) For purposes of this Subparagraph "creative or artistic expression" means the expression or application of creativity or imagination in the production or arrangement of forms, sounds, words, movements, or symbols, including music, dance, performance art, visual, poetry, literature, film, and other such objects or media.

(ii) Except as provided in Article 412 or as otherwise provided by law, creative or artistic expression is not admissible in a criminal case to prove the character of a person in order to show that he acted in conformity therewith, provided that the accused provides reasonable notice to the prosecution in advance of trial asserting that the evidence is creative or artistic expression. Evidence of creative or artistic expression may, however, be admissible for other purposes, such as proof of motive, opportunity, intent, preparation, plan, knowledge, identity, absence of mistake or accident, provided that upon request by the accused, the prosecution in a criminal case shall provide reasonable notice in advance of trial, of the nature of any such evidence it intends to introduce at trial for such purposes, or when it relates to conduct that constitutes an integral part of the act or transaction that is the subject of the present proceeding.

(iii) This Subparagraph shall not be construed to limit the admission or consideration of evidence under any other rule.

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- 1 AMENDMENT NO. 4
- 2 On page 2, at the beginning of line 22, change "Section 2." to "Section 3."