

FIRST REGULAR SESSION
HOUSE COMMITTEE SUBSTITUTE FOR
HOUSE BILL NOS. 1389 & 1040
103RD GENERAL ASSEMBLY

2959H.02C

JOSEPH ENGLER, Chief Clerk

AN ACT

To amend chapter 490, RSMo, by adding thereto one new section relating to the admissibility of evidence of a defendant's creative or artistic expression.

Be it enacted by the General Assembly of the state of Missouri, as follows:

Section A. Chapter 490, RSMo, is amended by adding thereto one new section, to be
2 known as section 490.750, to read as follows:

**490.750. 1. This section shall be known and may be cited as the "Restoring
2 Artistic Protection Act of 2025".**

**3 2. As used in this section, the term "creative or artistic expression" means the
4 expression or application of creativity or imagination in the production or arrangement
5 of forms, sounds, words, movements, or symbols, including music, dance, performance
6 art, visual art, poetry, literature, film, and other such objects or media.**

**7 3. Except as provided under subsection 4 of this section, evidence of a
8 defendant's creative or artistic expression, whether original or derivative, is not
9 admissible against such defendant in a criminal case.**

**10 4. A court may admit evidence described in subsection 3 of this section in a
11 hearing conducted in camera if the state proves by clear and convincing evidence:**

**12 (1) (a) If the expression is original, that the defendant intended a literal meaning
13 rather than a figurative or fictional meaning; or**

**14 (b) If the expression is derivative, that the defendant intended to adopt the literal
15 meaning of the expression as the defendant's own thought or statement;**

16 (2) That the creative expression refers to the specific facts of the crime alleged;

17 (3) That the expression is relevant to an issue of fact that is disputed; and

EXPLANATION — Matter enclosed in bold-faced brackets [thus] in the above bill is not enacted and is intended to be omitted from the law. Matter in **bold-face** type in the above bill is proposed language.

18 **(4) That the expression has distinct probative value not provided by other**
19 **admissible evidence.**

20 **5. In any hearing under subsection 4 of this section, the court shall make its**
21 **ruling on the record and shall include its findings of fact essential to its ruling.**

22 **6. If the court admits any evidence described under subsection 3 of this section**
23 **under the exception under subsection 4 of this section, the court shall:**

24 **(1) Ensure that the expression is redacted in a manner to limit the evidence**
25 **presented to the jury to that which is specifically excepted under subsection 4 of this**
26 **section; and**

27 **(2) Provide appropriate limiting instructions to the jury.**

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