



State of Wisconsin
2023 - 2024 LEGISLATURE

LRB-4048/1
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2023 ASSEMBLY BILL 568

October 26, 2023 - Introduced by Representatives DALLMAN, SUMMERFIELD, DITTRICH, MICHALSKI, MURSAU, O'CONNOR, ORTIZ-VELEZ, PLUMER, RETTINGER, SCHMIDT, SWEARINGEN, TITTL and WICHGERS, cosponsored by Senators JAMES and TOMCZYK. Referred to Committee on Consumer Protection.

AUTHORS SUBJECT TO CHANGE

1 **AN ACT** *to create* 100.2075 of the statutes; **relating to:** software security
2 measures for text messages, granting rule-making authority, and providing a
3 penalty.

Analysis by the Legislative Reference Bureau

This bill requires texting software providers to ensure certain encryption and notification features when persons send or receive text messages. "Texting service provider" is defined in the bill as an entity that provides software that comes preloaded on a device, and any subsequent updates to the software, that enables the device to send or receive a text message from U.S. telephone numbers capable of sending or receiving a text message. The bill requires texting software providers to ensure that text message data is encrypted and sent over a network that supports the encryption, that media sent in the text message is sent and received in its original quality without degradation, and that text message senders and receivers receive real-time notifications that a person is typing a message to them and whether a sent message has been read, if the users have enabled such functions on their devices.

For further information see the state fiscal estimate, which will be printed as an appendix to this bill.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

ASSEMBLY BILL 568**SECTION 1**

1 **SECTION 1.** 100.2075 of the statutes is created to read:

2 **100.2075 Software security measures for text messages. (1)**

3 DEFINITIONS. In this section:

4 (a) “Encrypted” means processing plaintext data into ciphertext with the goal
5 of ensuring that the plaintext data is accessible only to parties authorized by the
6 plaintext data’s owner.

7 (b) “Texting software” means the software that comes preloaded on a device,
8 and any subsequent updates to the software, that enables the device to send a text
9 message to or receive a text message from all or substantially all U.S. telephone
10 numbers capable of sending or receiving a text message.

11 (c) “Texting software provider” means an entity that provides a device’s texting
12 software.

13 **(2) TEXTING SOFTWARE PROVIDER REQUIREMENTS.** (a) When a person sends a text
14 message to an individual or a group using a device’s texting software, the texting
15 software provider for the device sending the text message shall ensure all of the
16 following:

17 1. That the data sent in the text message is encrypted and that when selecting
18 a communication network to send the text message to another device, the texting
19 software selects a network that is compatible with and supports such encryption.

20 2. A photo, video, or other media sent in the text message is sent in its original
21 quality without degradation.

22 3. That the person who sent the text message receives real-time notification
23 that the recipient of the text message has viewed it, if the text message recipient has
24 enabled such a notification function on his or her device.

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1 4. That the intended recipient of a text message is sent a real-time notification
2 that a person is typing text, if the text message sender has enabled such a notification
3 function on his or her device.

4 (b) When a person uses a device to receive a text message from an individual
5 or a group, the texting software provider for the device receiving the text message
6 shall ensure all of the following:

7 1. That any photo, video, or other media received in the text message retains
8 the same quality as when it was sent without degradation.

9 2. That the person who sent the text message is sent a real-time notification
10 that the recipient of the text message has viewed it, if the text message recipient has
11 enabled such a notification function on his or her device.

12 3. That the intended recipient of a text message receives a real-time
13 notification that a person is typing text, if the text message sender has enabled such
14 a notification function on his or her device.

15 **(3) ENFORCEMENT.** (a) The department or the attorney general may bring
16 against a texting software provider that has violated sub. (2) an action to enforce this
17 section and to restrain the violation by temporary or permanent injunction.

18 (b) A court shall require a texting software provider who violates sub. (2) to
19 forfeit an amount equal to \$10 per violation. Each device affected by a violation
20 constitutes a separate violation. Each calendar month in which a violation occurs
21 constitutes a separate violation.

22 **(4) RULEMAKING.** The department may promulgate rules to enforce this section.

23 **SECTION 2. Effective date.**

