



State of Wisconsin  
2023 - 2024 LEGISLATURE

LRB-4554/1  
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## 2023 SENATE BILL 538

October 16, 2023 - Introduced by Senators JAMES and TOMCZYK, cosponsored by Representatives DALLMAN, SUMMERFIELD, DITTRICH, MICHALSKI, MURSAU, O'CONNOR, ORTIZ-VELEZ, PLUMER, RETTINGER, SCHMIDT, SWEARINGEN, TITTL and WICHGERS. Referred to Committee on Utilities and Technology.

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.

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***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.

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

**SENATE BILL 538****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.**

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**SECTION 2**

1 (1) This act takes effect on the first day of the 6th month beginning after  
2 publication.

3 (END)