

By: Representative Yancey

To: Technology

HOUSE BILL NO. 1260

1 AN ACT TO REQUIRE TEXTING SOFTWARE PROVIDERS TO ENSURE
 2 CERTAIN ENCRYPTION AND NOTIFICATION FEATURES WHEN PERSONS SEND OR
 3 RECEIVE TEXT MESSAGES; TO DEFINE TERMINOLOGY USED HEREIN; TO
 4 REQUIRE TEXTING SOFTWARE PROVIDERS TO ENSURE THAT TEXT MESSAGE
 5 DATA IS ENCRYPTED AND SENT OVER A NETWORK THAT SUPPORTS THE
 6 ENCRYPTION, THAT MEDIA SENT IN THE TEXT MESSAGE IS SENT AND
 7 RECEIVED IN ITS ORIGINAL QUALITY WITHOUT DEGRADATION, AND THAT
 8 TEXT MESSAGE SENDERS AND RECEIVERS RECEIVE REAL-TIME NOTIFICATIONS
 9 THAT A PERSON IS TYPING A MESSAGE TO THEM AND WHETHER A SENT
 10 MESSAGE HAS BEEN READ, IF THE USERS HAVE ENABLED SUCH FUNCTIONS ON
 11 THEIR DEVICE; TO PERMIT THE ATTORNEY GENERAL TO BRING ACTIONS
 12 AGAINST TEXTING SOFTWARE PROVIDERS THAT VIOLATE THIS ACT AND
 13 REQUIRE A CORRECTIVE ACTION PLAN FOR ADDRESSING THE VIOLATION; TO
 14 EXEMPT THE NETWORK PROVIDER OVER WHICH THE TEXT MESSAGE IS SENT
 15 FROM LIABILITY; AND FOR RELATED PURPOSES.

16 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MISSISSIPPI:

17 **SECTION 1.** As used in this act, the following terms shall
 18 have the meanings ascribed in this section, unless context of use
 19 clearly requires otherwise:

20 (a) "Encrypted" means processing plaintext data into
 21 ciphertext with the goal of ensuring that the plaintext data is
 22 accessible only to parties authorized by the plaintext data's
 23 owner.



24 (b) "Texting software" means the software that comes
25 preloaded on a wireless device, and any subsequent updates to the
26 software, which enables the wireless device to send a text message
27 to or receive a text message from all or substantially all United
28 States telephone numbers capable of sending or receiving a text
29 message.

30 (c) "Texting software provider" means an entity that
31 provides texting software to a wireless device.

32 **SECTION 2.** (1) When a person sends a text message to or
33 receives a text message from an individual or a group using the
34 texting software on a wireless device, the texting software
35 provider for the wireless device sending the text message shall
36 ensure all of the following:

37 (a) That the data sent in the text message is
38 encrypted, and that the texting software selects a network that is
39 compatible with and supports such encryption when selecting a
40 communication network to send the text message to another wireless
41 device;

42 (b) A photo, video or other media sent in the text
43 message is sent in its original quality without degradation;

44 (c) That the person who sent the text message receives
45 a real-time notification that the recipient of the text message
46 has viewed it, if the text message recipient has enabled such a
47 notification function on the wireless device;



48 (d) That the intended recipient of a text message is
49 sent a real-time notification that a person is typing text, if the
50 text message sender has enabled such a notification function on
51 the wireless device.

52 (2) The obligations in subsection (1) shall not apply to the
53 extent that:

54 (a) The wireless device sending or receiving a message
55 is incapable of sending or receiving encrypted text messages; or

56 (b) A person sending or receiving a text message is in
57 an area with network coverage that does not permit encrypted texts
58 to be sent or received; provided that, in each case, the texting
59 software provider must first attempt to send or deliver an
60 encrypted message.

61 **SECTION 3.** (1) The Attorney General may bring an action
62 against a texting software provider that has violated this act and
63 may require a corrective action plan for addressing the violation.

64 (2) The network provider over which the text message is sent
65 shall not be liable under this act.

66 **SECTION 4.** The act shall take effect and be in force from
67 and after January 1, 2025.

