

By: Senator(s) Williams

To: Technology

SENATE BILL NO. 2704

1 AN ACT CONCERNING ENCRYPTION OF TEXT MESSAGES; TO DEFINE  
 2 TERMS; TO REQUIRE THAT SOFTWARE PROVIDERS FOR WIRELESS DEVICES  
 3 ENCRYPT TEXT MESSAGES SENT AND RECEIVED USING THE PROVIDER'S  
 4 WIRELESS SERVICE AND TEXT MESSAGING SOFTWARE; TO DETERMINE WHEN  
 5 THIS ACT IS APPLICABLE; TO ALLOW THE ATTORNEY GENERAL TO BRING AN  
 6 ACTION AGAINST VIOLATORS OF THIS ACT; TO BAR LIABILITY OF THE  
 7 NETWORK PROVIDER OVER WHICH THE TEXT MESSAGE IS SENT; AND FOR  
 8 RELATED PURPOSES.

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

10 **SECTION 1.** As used in this section, the following words have  
 11 the meaning ascribed herein unless the context clearly requires  
 12 otherwise:

13 (a) "Encrypted" means processing plaintext data into  
 14 ciphertext with the goal of ensuring that the plaintext data is  
 15 accessible only to parties authorized by the plaintext data's  
 16 owner.

17 (b) "Texting software" means the software that comes  
 18 preloaded on a wireless device, and any subsequent updates to the  
 19 software, that enables the wireless device to send a text message  
 20 to or receive a text message from all or substantially all United



21 States telephone numbers capable of sending or receiving a text  
22 message.

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

25 **SECTION 2.** (1) When a person sends a text message to or  
26 receives a text message from an individual or a group using the  
27 texting software on a wireless device, the texting software  
28 provider for the wireless device sending the text message shall  
29 ensure all of the following:

30 (a) That the data sent in the text message is encrypted  
31 and that when selecting a communication network to send the text  
32 message to another wireless device, the texting software selects a  
33 network that is compatible with and supports such encryption;

34 (b) That a photo, video, or other media sent in the  
35 text message is sent in its original quality without degradation;

36 (c) That the person who sent the text message receives  
37 a real-time notification that the recipient of the text message  
38 has viewed it, if the text message recipient has enabled such a  
39 notification function on the wireless device; and

40 (d) That the intended recipient of a text message is  
41 sent a real-time notification that a person is typing text, if the  
42 text message sender has enabled such a notification function on  
43 the wireless device.

44 (2) The obligations in subsection (1) of this section will  
45 not apply to the extent that:



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

48 (b) A person sending or receiving a text message is in  
49 an area with network coverage that does not permit encrypted texts  
50 to be sent or received, provided that in each case, the texting  
51 software provider must first attempt to send or deliver an  
52 encrypted message.

53 **SECTION 3.** (1) The Attorney General may bring an action  
54 against a texting software provider that has violated this chapter  
55 and may require a corrective action plan for addressing the  
56 violation.

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

59 **SECTION 4.** This act shall take effect and be in force from  
60 and after January 1, 2025.

