

April 4, 2010

Dear Friend:

As the 2010 Session of the General Assembly comes to a close I want to take the opportunity to bring you up to date on the actions we have taken in an attempt to better serve the citizens of the Roanoke Valley and the Commonwealth as a whole. It is an honor and privilege to serve you in the House of Delegates. I am blessed to have the opportunity to represent your interests and concerns. I assure you I am doing the best job I can to reflect your thoughts and concerns.

The 2010 General Assembly Session has been exciting and very demanding. It is always my great pleasure to have the opportunity to see and meet with many constituents from home. I can't tell you how important your input is and how much it means to me that you will take time out of your busy schedule to write, call, e-mail, or even come to Richmond to see me on issues which you feel passionately about. Citizen participation is the greatest part of our legislative process.

I had the privilege to serve as a member of Courts of Justice and the Militia and Police Committees. Being a member of these important committees allows me the opportunity to be intimately involved with issues of great concern to the Roanoke Valley.

During the session I introduced several pieces of legislation that addressed some of the concerns that I heard from you back in the district. Below is a list of some of the bills that I introduced and their result.

HB 741: Telephone email or texting; use of indecent or threatening language, penalty. Use of profane, threatening, or indecent language over public airways or by computer or text. Provides that any person who uses obscene, vulgar, profane, lewd, lascivious, or indecent language, or makes any suggestion or proposal of an obscene nature, or threatens any illegal or immoral act with the intent to coerce, intimidate, or harass any person when any electronically transmitted message is received or transmitted by telephone is guilty of a Class 1 misdemeanor. Current law punishes such behavior when simply using a telephone or citizens band radio. This bill has passed the House and Senate and is awaiting the Governor's signature.

HB 742 Impoundment of vehicle; driving while license suspended for DUI. Impoundment of vehicle for driving while license suspended. Includes a violation of § 18.2-272 (Class 1 misdemeanor to drive on a suspended license when suspended for driving for DUI or a DUI-related crime) in the section of the code (§ 46.2-301) that provides that a motor vehicle impounded or immobilized by the police following an *arrest* for driving on a suspended license, when suspended for DUI or a DUI-related crime, may be impounded or immobilized for an additional 90 days by the court upon *conviction* of that offense. This bill has passed the House and Senate and is awaiting the Governor's signature.

HB 769 DUI; suspension of driving privilege shall run consecutively with any other court-ordered period. Consecutive license suspensions for DUI. Provides that any suspension of driving privilege for driving while intoxicated shall run consecutively with any other court-ordered period of suspension for driving while intoxicated or for underage driving with a blood alcohol concentration of 0.02 percent or more. Currently, suspensions ordered for failure to submit to a blood or breath test run consecutively with the DUI suspension. This bill has passed the House and Senate and is awaiting the Governor's signature.

HB 770 DUI arrests; arresting officer at a medical facility may release from custody by executing summons.

Arrest without warrant; DUI arrests. Provides that an arresting officer at a medical facility may "release the person [a DUI accused] from custody by executing a summons." The bill also provides that an officer may either arrest or summons a person for a Class 1 or 2 misdemeanor except as otherwise provided "for offenses listed in subsection D of § 19.2-81." The bill also specifically states that when a summons is not issued for a person accused of DUI or refusal who has been taken to a medical facility, the officer shall bring the person before a judicial officer for a bail hearing. The bill allows an arrest to be made for misdemeanor offenses of DUI or "drunk boating" to be made by any officer, whether or not the offense occurred in his presence and removes language from the law providing for transfer of custody from one officer to another in drunk boating incidents. The bill changes nomenclature in the statute setting forth procedures for an arrest without a warrant to "complaining officer" from "officer making the arrest." This bill has passed the House and Senate and is awaiting the Governor's signature.

HB 774 Recreational Facilities Authority; delays reversion of title to real property to State. Virginia Recreational Facilities Authority. Delays the reversion of title to real property from the Virginia Recreational Facilities Authority to the Commonwealth, in the event that the Authority ceases to operate, until July 1, 2011. This bill has passed the House and Senate and is awaiting the Governor's signature.

HB 1293 Alcoholic beverage control; consumption by underaged persons accompanied by parent or guardian.

Alcoholic beverage control; exemptions from licensure; consumption by underaged persons. Clarifies that a person in his residence may serve or give to his guests or family members lawfully acquired alcoholic beverages when (i) such guests are 21 years of age or older or are accompanied by a parent, guardian, or spouse who is 21 years of age or older, (ii) the consumption or possession of such alcoholic beverages by family members or such guests occurs only in such residence where the alcoholic beverages are allowed to be served or given, and (iii) such service or gift is in no way a shift or device to evade ABC laws. Currently, the law requires only that (i) such guests are 21 years of age or older or are accompanied by a parent, guardian, or spouse who is 21 years of age or older and (ii) such service or gift is in no way a shift or device to evade ABC laws. This bill has passed the House and Senate and is awaiting the Governor's signature.

As you may have heard we are also working vigorously to overcome a \$4+ Billion dollar deficit as we work to finalize the states biennial budget before we leave Richmond. I am hopeful we can begin to balance the budget with little removal from the state's important 'Rainy Day' fund and minimal hits to the core services we depend on every day. It is also important we look for future pay increases for state employees and teachers, while curtailing wasteful spending and ever ballooning state programs in order to protect our AAA bond rating. Also, this has been a very difficult year for discretionary spending. We will continue to work on adequate funding for our non-state agencies. As always, my first priority is to work to protect the needs of citizens in the Roanoke Valley above all other interests, no matter how tough the financial constraints of the Commonwealth. We are working with the Senate and Governor to forge solutions to benefit all areas of the Commonwealth without putting unneeded burdens upon our critical programs, and most importantly, you!

Those are some of the highlights from my legislative agenda this Session. If you would like to read about these bills or other pieces of legislation from prior years I would encourage visiting the General Assembly website at <http://legis.state.va.us/>. I would welcome an opportunity to update you on any General Assembly matters you would like to discuss. We can be reached in the Roanoke office at (992-4041), delegatecleaveland@gmail.com, or please visit our website at www.billcleaveland.com or. Again, I appreciate your views on legislation that will help me do a better job in the House for those I represent.

Sincerely,



William H. Cleaveland