

a. The early assignment of a prosecuting attorney, who has the responsibility of handling a domestic abuse assault matter through disposition, and who is also responsible for establishing early contact with the victim.

b. The facilitation of the earliest possible contact between the prosecuting attorney's office and the victim for the purpose of acquainting the victim with the criminal justice process, the use of subpoenas, the victim's role as a witness in the prosecution, a victim's rights under chapter 236, and available domestic abuse and victim services.

c. The coordination of the prosecuting attorney's efforts with those of a domestic abuse advocate or victim advocate, where available, and to facilitate the early provision of victim advocacy services.

d. Methods that will be used to identify, gather, and preserve evidence, in addition to the victim's testimony, that will enhance the ability to prosecute a case when a victim is reluctant to assist, including, but not limited to, physical evidence of the victim's injury, evidence relating to the scene of the crime, eye witness testimony, and statements of the victim made at or near the time of injury.

e. The education of local law enforcement agencies about the contents of the plan and their role in assisting with its implementation.

f. The use of subpoenas of victims and witnesses, where appropriate.

g. Annual review of the plan to evaluate whether it is meeting its goals effectively and whether improvements are needed.

h. A timetable for implementation.

3. A copy of each plan shall be filed with the prosecuting attorneys training coordinator by July 1, 1992. The county attorneys selected for the pilot program shall file a status report on the pilot program by July 1, 1993. The pilot program shall terminate on July 1, 1994. The status report must contain information on the number of prosecutions and dismissals of domestic abuse cases in the county attorney's office.

Approved May 29, 1991

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## CHAPTER 220

### BANKING REGULATION

*S.F. 507*

**AN ACT** relating to limiting the aggregate amount of cash value life insurance a state bank may purchase, amending the date by which the superintendent must file an annual report, providing certain regulatory authority over certain persons associated with a state bank, suspending certain laws, authorizing certain investments by a state bank, and providing an effective date.

*Be It Enacted by the General Assembly of the State of Iowa:*

Section 1. Section 17.8, Code 1991, is amended to read as follows:

17.8 SUPERINTENDENT OF BANKING.

The annual report of the superintendent of banking shall cover the year ending June 30 of each year, and shall be filed as soon as practicable after said date and not later than September 1 December 31.

Sec. 2. NEW SECTION. 524.228 INTERIM CEASE AND DESIST ORDER — SUSPENSION.

1. If it appears to the superintendent that a state bank, or any director, officer, employee, or substantial shareholder of the state bank is engaging in or is about to engage in an unsafe

or unsound practice or dishonest act in conducting the business of the state bank that is likely to cause insolvency or substantial dissipation of assets or earnings of the state bank, or is likely to seriously weaken the condition of the state bank or otherwise seriously prejudice the interests of its depositors prior to the completion of the proceedings conducted pursuant to section 524.223, 524.606, subsection 2, or 524.707, subsection 2, the superintendent may issue an interim order requiring the bank, director, officer, employee, or substantial shareholder to cease and desist from any such practice or act, and to take affirmative action, including suspension of the director, officer, or employee to prevent such insolvency, dissipation, condition, or prejudice pending completion of the proceedings. The interim order becomes effective upon service upon the state bank, or upon the director, officer, employee, or substantial shareholder of the state bank and, unless set aside, limited, or suspended by a court as provided in this chapter, remains effective and enforceable pending the completion of the administrative proceedings pursuant to the interim order and until such time as the superintendent dismisses the charges specified in the interim order, or, if a final cease and desist order is issued against the state bank or the director, officer, employee, or substantial shareholder until the effective date of the final order.

2. Within ten days after the state bank concerned or any director, officer, employee, or substantial shareholder is served with an interim order, the bank or such director, officer, employee, or substantial shareholder may apply to the district court in the county in which the bank has its principal place of business, for an injunction setting aside, limiting, or suspending the enforcement, operation, or effectiveness of such interim order pending the completion of the administrative proceedings. If serious prejudice to the interests of the superintendent, the state bank, the officer, director, employee, or substantial shareholder would result from such hearing, the court may order the judicial proceeding to be conducted in camera.

3. The interim order shall contain a concise statement of the facts constituting the alleged unsafe or unsound practice or alleged dishonest act, and shall fix a time and place at which a hearing will be held to determine whether a final order to cease and desist should issue against the state bank or any director, officer, employee, or substantial shareholder. The hearing shall be fixed for a date not later than thirty days after service of the interim order unless a later date is set at the request of the party so served. If the state bank, or the director, officer, employee, or substantial shareholder fails to appear at the hearing, the state bank, or the director, officer, employee, or substantial shareholder is deemed to have consented to the issuance of a cease and desist order. In the event of such consent, or if upon the record made at the hearing the superintendent finds that any unsafe or unsound practice or dishonest act specified in the interim order has been established, the superintendent may issue and serve upon the bank, or the director, officer, employee, or substantial shareholder a final order to cease and desist from any such practice or act. The order may require the state bank, or the director, officer, employee, or substantial shareholder to cease and desist from any such practice or act and, further, to take affirmative action, including suspension of the director, officer, or employee.

4. A hearing provided for in this section shall be presided over by an administrative law judge appointed in accordance with section 17A.11. The hearing shall be private, unless the superintendent determines after full consideration of the views of the party afforded the hearing, that a public hearing is necessary to protect the public interest. After the hearing, and within thirty days after the case has been submitted for decision, the superintendent shall review the proposed order of the administrative law judge and render a final decision, including findings of fact upon which the decision is predicated, and issue and serve upon each party to the proceeding an order consistent with this section.

5. Any final order issued by the superintendent pursuant to subsection 3 becomes effective upon service of the final order on the state bank, director, officer, employee, or substantial shareholder and shall remain effective except to the extent that it is stayed, modified, terminated, or set aside by action of the superintendent or of the district court of the county in which the state bank has its principal place of business in accordance with the terms of chapter 17A.

6. In the case of violation or threatened violation of, or failure to obey, an interim order issued pursuant to subsection 1 or a final order issued pursuant to subsection 3, the superintendent may apply to the district court of the county in which the state bank has its principal place of business for the enforcement of the order and such court shall have jurisdiction and power to order and require compliance with the interim order or final order.

7. For purposes of this section, "substantial shareholder" means a shareholder exercising a controlling influence over the management or policies of a state bank as determined by the superintendent.

Sec. 3. Section 524.606, subsection 2, unnumbered paragraph 1, Code 1991, is amended to read as follows:

When, in the opinion of the superintendent any director of a state bank ~~shall have continued to violate~~ has violated any law relating to such state bank or ~~shall have continued~~ has engaged in unsafe or unsound practices in conducting the business of such state bank, ~~after having been warned by the superintendent to discontinue or correct such violations of law or such unsafe or unsound practices,~~ the superintendent may cause notice to be served upon such director, to appear before the superintendent to show cause why the director should not be removed from office. A copy of such notice shall be sent to each director of the state bank affected, by registered or certified mail. If, after granting the accused director a reasonable opportunity to be heard, the superintendent finds that the director ~~continued to violate~~ violated any law relating to such state bank or ~~continued engaged in~~ engaged in unsafe or unsound practices in conducting the business of such state bank ~~after having been warned by the superintendent to discontinue or correct such violations of law or such unsafe or unsound practices,~~ the superintendent, in the superintendent's discretion, may order that such director be removed from office. A copy of the order shall be served upon such director and upon the state bank of which the person is a director at which time the person shall cease to be a director of the state bank.

Sec. 4. Section 524.707, subsection 2, Code 1991, is amended to read as follows:

2. Subsection 2 of section 524.606 providing for the removal of directors by the superintendent, shall have equal application to officers and employees.

Sec. 5. Section 524.901, subsection 3, Code 1991, is amended by adding the following new paragraph:

NEW PARAGRAPH. m. Shares in a federal home loan bank.

Sec. 6. Section 524.901, subsection 6, Code 1991, is amended to read as follows:

6. A state bank may, in the exercise of the powers granted in this chapter, purchase cash value life insurance contracts which may include provisions for the lump sum payment of premiums and which may include insurance against the loss of the lump sum payment. The cash value life insurance contracts purchased from any one company shall not exceed twenty percent of capital and surplus of the state bank and in the aggregate from all companies, shall not exceed twenty-five percent of total equity capital of the state bank unless the state bank has obtained the approval of the superintendent prior to the purchase of any cash value life insurance contract in excess of this limitation.

Sec. 7. 1990 Iowa Acts, chapter 1274, unnumbered paragraph 1 after the enacting clause, is amended to read as follows:

That the banking laws contained in Code chapter 524, as identified by the superintendent of banking, are suspended to the extent that the laws restrict any state or nationally chartered bank located in Iowa or bank holding company owning a bank located in Iowa in the acquisition of savings associations eligible for assistance or their assets or liabilities. Such suspension shall remain in effect until July 1, ~~1991~~ 1992. On and after July 1, ~~1991~~ 1992, the restrictions in Code chapter 524 shall be applied as though acquisitions made pursuant to this resolution had not been made.

Sec. 8. This Act, being deemed of immediate importance, is effective upon enactment.