S T A T E O F N E W Y O R K

10402

I N A S S E M B L Y

March 23, 2010

Introduced by M. of A. TITONE -- read once and referred to the Committee on Codes

AN ACT to amend the penal law, in relation to establishing criminal street gang enterprise offenses and the abatement of premises used for criminal street gang enterprise activity; and to amend the civil practice law and rules, in relation to disposition of forfeiture moneys where the person against whom a forfeiture action is commenced is a member of a criminal street gang enterprise

THE PEOPLE OF THE STATE OF NEW YORK, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. The penal law is amended by adding a new article 280 to read as follows:

ARTICLE 280
CRIMINAL STREET GANG
ENTERPRISE OFFENSES

SECTION 280.00 DEFINITIONS.
280.05 CRIMINAL STREET GANG ENTERPRISE SOLICITATION, RECRUITMENT OR RETENTION.
280.10 CRIMINAL STREET GANG ENTERPRISE SOLICITATION, RECRUITMENT OR RETENTION OF MINORS.
280.15 COERCION OF A MINOR INTO A CRIMINAL STREET GANG ENTERPRISE CONSPIRACY.
280.20 CRIMINAL STREET GANG ENTERPRISE LEADERSHIP.
280.25 ABATEMENT OF PREMISES USED FOR CRIMINAL STREET GANG ENTERPRISE ACTIVITY.
280.30 PREEMPTION.

S 280.00 DEFINITIONS.

THE FOLLOWING DEFINITIONS ARE APPLICABLE TO THIS ARTICLE:

1. "CRIMINAL STREET GANG ENTERPRISE" MEANS A GROUP OF PERSONS SHARING A COMMON PURPOSE OF ENGAGING IN CRIMINAL CONDUCT, ASSOCIATED IN AN ASCERTAINABLE STRUCTURE DISTINCT FROM A PATTERN OF STREET GANG CRIMINAL ACTIVITY, AND WITH A CONTINUITY OF EXISTENCE, STRUCTURE AND CRIMINAL PURPOSE BEYOND THE SCOPE OF INDIVIDUAL CRIMINAL ACTS.

EXPLANATION--Matter in ITALICS (underscored) is new; matter in brackets [ ] is old law to be omitted.

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2. "GANG CRIME" MEANS CONDUCT CONSTITUTING ANY OF THE FOLLOWING FELONIES, OR CONSPIRACY OR ATTEMPT TO COMMIT ANY OF THE FOLLOWING FELONIES: SECTIONS 120.05, 120.10 AND 120.11 RELATING TO ASSAULT; SECTIONS 125.10 TO 125.27 RELATING TO HOMICIDE; SECTIONS 130.25, 130.30 AND 130.35 RELATING TO RAPE; SECTIONS 135.20 AND 135.25 RELATING TO KIDNAPPING; SECTION 135.35 RELATING TO LABOR TRAFFICKING; SECTION 135.65 RELATING TO COERCION; SECTIONS 140.20, 140.25 AND 140.30 RELATING TO BURGLARY; SECTIONS 145.05, 145.10 AND 145.12 RELATING TO CRIMINAL MISCHIEF; ARTICLE ONE HUNDRED FIFTY RELATING TO ARSON; SECTIONS 155.30, 155.35, 155.40 AND 155.42 RELATING TO GRAND LARCENY; SECTIONS 177.10, 177.15, 177.20 AND 177.25 RELATING TO HEALTH CARE FRAUD; ARTICLE ONE HUNDRED SIXTY RELATING TO ROBBERY; SECTIONS 165.45, 165.50, 165.52 AND 165.54 RELATING TO CRIMINAL POSSESSION OF STOLEN PROPERTY; SECTIONS 165.72 AND 165.73 RELATING TO TRADEMARK COUNTERFEITING; SECTIONS 170.10, 170.15, 170.25, 170.30, 170.40, 170.65 AND 170.70 RELATING TO FORGERY; SECTIONS 175.10, 175.25, 175.35, 175.40 AND 210.40 RELATING TO FALSE STATEMENTS; SECTIONS 176.15, 176.20, 176.25 AND 176.30 RELATING TO INSURANCE FRAUD; SECTIONS 178.20 AND 178.25 RELATING TO CRIMINAL DIVERSION OF PRESCRIPTION MEDICATIONS AND PRESCRIPTIONS; SECTIONS 180.03, 180.08, 180.15, 180.25, 180.40, 180.45, 200.00, 200.03, 200.04, 200.10, 200.11, 200.12, 200.20, 200.22, 200.25, 200.27, 215.00, 215.05 AND 215.19 RELATING TO BRIBERY; SECTIONS 187.10, 187.15, 187.20 AND 187.25 RELATING TO RESIDENTIAL MORTGAGE FRAUD; SECTIONS 190.40 AND 190.42 RELATING TO CRIMINAL USURY; SECTION 190.65 RELATING TO SCHEMES TO DEFRAUD; SECTIONS 205.60 AND 205.65 RELATING TO HINDERING PROSECUTION; SECTIONS 210.10, 210.15, AND 215.51 RELATING TO PERJURY AND CONTEMPT; SECTION 215.40 RELATING TO TAMPERING WITH PHYSICAL EVIDENCE; SECTIONS 220.06, 220.09, 220.16, 220.18, 220.21, 220.31, 220.34, 220.39, 220.41, 220.43, 220.46, 220.55, 220.60 AND 220.77 RELATING TO CONTROLLED SUBSTANCES; SECTIONS 225.10 AND 225.20 RELATING TO GAMBLING; SECTIONS 230.25, 230.30, AND 230.32 RELATING TO PROMOTING PROSTITUTION; SECTION 230.34 RELATING TO SEX TRAFFICKING; SECTIONS 235.06, 235.07, 235.21 AND 235.22 RELATING TO OBSCENITY; SECTIONS 263.10 AND 263.15 RELATING TO PROMOTING A SEXUAL PERFORMANCE BY A CHILD; SECTIONS 265.02, 265.03, 265.04, 265.11, 265.12, 265.13 AND THE PROVISIONS OF SECTION 265.10 WHICH CONSTITUTE A FELONY RELATING TO FIREARMS AND OTHER DANGEROUS WEAPONS; AND SECTIONS 265.14 AND 265.16 RELATING TO CRIMINAL SALE OF A FIREARM; AND SECTION 275.10, 275.20, 275.30, OR 275.40 RELATING TO UNAUTHORIZED RECORDINGS; AND SECTIONS 470.05, 470.10, 470.15 AND 470.20 RELATING TO MONEY LAUNDERING, OF THIS CHAPTER.

3. "PATTERN OF STREET GANG CRIMINAL ACTIVITY" MEANS CONDUCT ENGAGED IN BY PERSONS CHARGED IN A CRIMINAL STREET GANG ENTERPRISE OFFENSE DEFINED IN THIS ARTICLE CONSTITUTING THREE OR MORE GANG CRIMES THAT:

(A) WERE COMMITTED WITHIN TEN YEARS OF THE COMMENCEMENT OF THE CRIMINAL ACTION;

(B) ARE NEITHER ISOLATED INCIDENTS, NOR SO CLOSELY RELATED AND CONNECTED IN POINT OF TIME OR CIRCUMSTANCES OF COMMISSION AS TO CONSTITUTE A CRIMINAL OFFENSE OR CRIMINAL TRANSACTION, AS THOSE TERMS ARE DEFINED IN SECTION 40.10 OF THE CRIMINAL PROCEDURE LAW; AND

(C) ARE EITHER: (I) RELATED TO ONE ANOTHER THROUGH A COMMON SCHEME OR PLAN OR (II) WERE COMMITTED, SOLICITED, REQUESTED, IMPORTUNED OR INTENTIONALLY AIDED BY PERSONS ACTING WITH THE MENTAL CULPABILITY REQUIRED FOR THE COMMISSION THEREOF AND ASSOCIATED WITH OR IN THE CRIMINAL STREET GANG ENTERPRISE.

S 280.05 CRIMINAL STREET GANG ENTERPRISE SOLICITATION, RECRUITMENT OR RETENTION.

A PERSON IS GUILTY OF CRIMINAL STREET GANG ENTERPRISE SOLICITATION, RECRUITMENT OR RETENTION WHEN HE OR SHE:

1. INTENTIONALLY SOLICITS, RECRUITS, EMPLOYS, CAUSES, ENCOURAGES, OR CONSPIRES TO CAUSE ANOTHER PERSON TO BE OR REMAIN AS A MEMBER OF A CRIMINAL STREET GANG ENTERPRISE THAT REQUIRES AS A CONDITION OF MEMBERSHIP OR CONTINUED MEMBERSHIP THE COMMISSION OF OR PARTICIPATION IN GANG CRIMES; OR

2. INTENTIONALLY MAKES ANY COMMUNICATION, DIRECT OR INDIRECT, CONSTITUTING A THREAT TO PERSON OR PROPERTY OR TO ANY ASSOCIATE OR RELATIVE OF THE PERSON BEING SOLICITED, RECRUITED OR RETAINED AS A MEMBER OF A CRIMINAL STREET GANG ENTERPRISE THAT REQUIRES AS A CONDITION OF MEMBERSHIP OR CONTINUED MEMBERSHIP THE COMMISSION OF OR PARTICIPATION IN GANG CRIMES.

CRIMINAL STREET GANG ENTERPRISE SOLICITATION, RECRUITMENT OR RETENTION IS A CLASS E FELONY.

S 280.10 CRIMINAL STREET GANG ENTERPRISE SOLICITATION, RECRUITMENT OR RETENTION OF MINORS.

A PERSON IS GUILTY OF CRIMINAL STREET GANG ENTERPRISE SOLICITATION, RECRUITMENT OR RETENTION OF MINORS WHEN HE OR SHE:

1. INTENTIONALLY SOLICITS, RECRUITS, EMPLOYS, CAUSES, ENCOURAGES, OR CONSPIRES TO CAUSE ANOTHER PERSON UNDER EIGHTEEN YEARS OF AGE TO BE OR REMAIN AS A MEMBER OF A CRIMINAL STREET GANG ENTERPRISE THAT REQUIRES AS A CONDITION OF MEMBERSHIP OR CONTINUED MEMBERSHIP THE COMMISSION OF OR PARTICIPATION IN GANG CRIMES; OR

2. INTENTIONALLY MAKES ANY COMMUNICATION, DIRECT OR INDIRECT, CONSTITUTING A THREAT TO A PERSON UNDER EIGHTEEN YEARS OF AGE, TO PROPERTY, OR TO ANY ASSOCIATE OR RELATIVE OF THE MINOR BEING SOLICITED, RECRUITED OR RETAINED AS A MEMBER OF A CRIMINAL STREET GANG ENTERPRISE THAT REQUIRES AS A CONDITION OF MEMBERSHIP OR CONTINUED MEMBERSHIP THE COMMISSION OF OR PARTICIPATION IN GANG CRIMES.

CRIMINAL STREET GANG ENTERPRISE SOLICITATION, RECRUITMENT OR RETENTION OF MINORS IS A CLASS D FELONY.

S 280.15 COERCION OF A MINOR INTO A CRIMINAL STREET GANG ENTERPRISE CONSPIRACY.

A PERSON IS GUILTY OF COERCION OF A MINOR INTO A CRIMINAL STREET GANG ENTERPRISE CONSPIRACY WHEN, WITH THE INTENT TO CAUSE PHYSICAL INJURY TO A PERSON UNDER EIGHTEEN YEARS OF AGE, HE OR SHE CAUSES SUCH PHYSICAL INJURY TO SUCH PERSON OR ANOTHER PERSON UNDER EIGHTEEN YEARS OF AGE FOR THE PURPOSE OF CAUSING OR COERCING SUCH PERSON TO JOIN OR PARTICIPATE IN A CRIMINAL CONSPIRACY TO BENEFIT A CRIMINAL STREET GANG ENTERPRISE OR OTHER ORGANIZATION OF THREE OR MORE PERSONS WHICH HAS A COMMON NAME, IDENTIFYING SIGN OR SYMBOL AND WHOSE MEMBERS INDIVIDUALLY OR COLLECTIVELY ENGAGE IN GANG CRIMES.

COERCION OF A MINOR INTO A CRIMINAL STREET GANG ENTERPRISE CONSPIRACY IS A CLASS D FELONY.

S 280.20 CRIMINAL STREET GANG ENTERPRISE LEADERSHIP.

A PERSON IS GUILTY OF CRIMINAL STREET GANG ENTERPRISE LEADERSHIP WHEN, AS A MEMBER OF A CRIMINAL STREET GANG ENTERPRISE, HE OR SHE COMMANDS, COUNSELS, PERSUADES, INDUCES, ENTICES OR COERCES ANY INDIVIDUAL TO COMMIT A CRIME WHERE THE PURPOSE OF SUCH CRIME IS THE FURTHERANCE OF THE CRIMINAL OBJECTIVES OF SUCH CRIMINAL STREET GANG ENTERPRISE.

CRIMINAL STREET GANG ENTERPRISE LEADERSHIP IS A CLASS D FELONY.

S 280.25 ABATEMENT OF PREMISES USED FOR CRIMINAL STREET GANG ENTERPRISE ACTIVITY.

1. ANY PLACE OR PREMISES THAT HAS BEEN USED ON MORE THAN TWO OCCASIONS, WITHIN A SIX MONTH PERIOD OF TIME, FOR THE PURPOSE OF CONDUCTING

A PATTERN OF STREET GANG CRIMINAL ACTIVITY, OR ANY REAL PROPERTY THAT IS ERECTED, ESTABLISHED, MAINTAINED, OWNED, LEASED, OR USED BY ANY CRIMINAL STREET GANG ENTERPRISE FOR THE PURPOSE OF CONDUCTING CRIMINAL STREET GANG ENTERPRISE ACTIVITY CONSTITUTES A NUISANCE, THAT SHALL BE ENJOINED, ABATED, AND PREVENTED, AND FOR WHICH DAMAGES MAY BE RECOVERED, WHETHER IT IS A PUBLIC OR PRIVATE NUISANCE.

2. ANY ACTION FOR AN INJUNCTION OR ABATEMENT FILED PURSUANT TO SUBDIVISION ONE OF THIS SECTION SHALL PROCEED ACCORDING TO THE PROVISIONS OF THE CIVIL PRACTICE LAW AND RULES, EXCEPT THAT ALL OF THE FOLLOWING SHALL APPLY:

(A) THE COURT SHALL NOT ASSESS A CIVIL PENALTY AGAINST ANY PERSON UNLESS THAT PERSON KNEW OR SHOULD HAVE KNOWN OF THE UNLAWFUL ACTS COMMITTED ON OR IN THE PREMISES;

(B) NO ORDER OF EVICTION OR CLOSURE MAY BE ENTERED;

(C) ALL INJUNCTIONS ISSUED SHALL BE LIMITED TO THOSE NECESSARY TO PROTECT THE HEALTH AND SAFETY OF THE RESIDENTS OR THE PUBLIC OR THOSE NECESSARY TO PREVENT FURTHER CRIMINAL ACTIVITY; AND

(D) SUIT MAY NOT BE FILED UNTIL A THIRTY-DAY NOTICE PERIOD OF THE UNLAWFUL USE OR CRIMINAL CONDUCT HAS BEEN PROVIDED TO THE OWNER BY MAIL, RETURN RECEIPT REQUESTED, POSTAGE PREPAID, TO THE LAST KNOWN ADDRESS.

3. NO NOT-FOR-PROFIT OR CHARITABLE ORGANIZATION WHICH IS CONDUCTING ITS AFFAIRS WITH ORDINARY CARE AND SKILL, AND NO GOVERNMENTAL ENTITY, SHALL BE ABATED PURSUANT TO THE PROVISIONS OF SUBDIVISIONS ONE AND TWO OF THIS SECTION.

4. NOTHING IN THIS SECTION SHALL PRECLUDE ANY AGGRIEVED PERSON FROM SEEKING ANY OTHER REMEDY PROVIDED BY LAW.

S 280.30 PREEMPTION.

NOTHING IN THIS ARTICLE SHALL PREEMPT AN APPROPRIATE ALTERNATIVE OR ADDITIONAL CHARGE PURSUANT TO THIS CHAPTER, INCLUDING BUT NOT LIMITED TO, A CHARGE PURSUANT TO SECTION 120.06 (GANG ASSAULT IN THE SECOND DEGREE), OR SECTION 120.07 (GANG ASSAULT IN THE FIRST DEGREE); OR PREVENT A LOCAL GOVERNMENT FROM ADOPTING AND ENFORCING LAWS CONSISTENT WITH THIS ARTICLE RELATING TO CRIMINAL STREET GANG ENTERPRISE ACTIVITY AND CRIMINAL STREET GANG ENTERPRISE VIOLENCE. WHERE LOCAL LAWS DUPLICATE OR SUPPLEMENT THIS ARTICLE, THE PROVISIONS OF THIS ARTICLE SHALL BE CONSTRUED AS PROVIDING ALTERNATIVE REMEDIES AND NOT AS PREEMPTING SUCH LOCAL LAWS.

S 2. Section 1310 of the civil practice law and rules is amended by adding three new subdivisions 15, 16 and 17 to read as follows:

15. "CRIMINAL STREET GANG ENTERPRISE" MEANS A GROUP OF PERSONS SHARING A COMMON PURPOSE OF ENGAGING IN CRIMINAL CONDUCT, ASSOCIATED IN AN ASCERTAINABLE STRUCTURE DISTINCT FROM A PATTERN OF STREET GANG CRIMINAL ACTIVITY, AND WITH A CONTINUITY OF EXISTENCE, STRUCTURE AND CRIMINAL PURPOSE BEYOND THE SCOPE OF INDIVIDUAL CRIMINAL ACTS.

16. "PATTERN OF STREET GANG CRIMINAL ACTIVITY" MEANS CONDUCT ENGAGED IN BY PERSONS CHARGED IN A CRIMINAL STREET GANG ENTERPRISE CONSTITUTING THREE OR MORE CRIMINAL ACTS THAT:

(A) WERE COMMITTED WITHIN TEN YEARS OF THE COMMENCEMENT OF THE CRIMINAL ACTION;

(B) ARE NEITHER ISOLATED INCIDENTS, NOR SO CLOSELY RELATED AND CONNECTED IN POINT OF TIME OR CIRCUMSTANCES OF COMMISSION AS TO CONSTITUTE A CRIMINAL OFFENSE OR CRIMINAL TRANSACTION, AS THOSE TERMS ARE DEFINED IN SECTION 40.10 OF THE CRIMINAL PROCEDURE LAW; AND

(C) ARE EITHER: (I) RELATED TO ONE ANOTHER THROUGH A COMMON SCHEME OR PLAN OR (II) WERE COMMITTED, SOLICITED, REQUESTED, IMPORTUNED OR INTENTIONALLY AIDED BY PERSONS ACTING WITH THE MENTAL CULPABILITY REQUIRED

FOR THE COMMISSION THEREOF AND ASSOCIATED WITH OR IN THE CRIMINAL STREET GANG ENTERPRISE.

17. "CRIMINAL STREET GANG ACTIVITY" MEANS THE COMMISSION OR ATTEMPTED COMMISSION OF, OR SOLICITATION OR CONSPIRACY TO COMMIT, THREE OR MORE CRIMINAL ACTS THAT:

(A) WERE COMMITTED ON SEPARATE OCCASIONS WITHIN A FIVE YEAR PERIOD;

(B) ARE NEITHER ISOLATED INCIDENTS, NOR SO CLOSELY RELATED AND CONNECTED IN POINT OF TIME OR CIRCUMSTANCE OF COMMISSION AS TO CONSTITUTE A CRIMINAL OFFENSE OR CRIMINAL TRANSACTION, AS SUCH TERMS ARE DEFINED IN SECTION 40.10 OF THE CRIMINAL PROCEDURE LAW; AND

(C) FURTHER A CRIMINAL STREET GANG ENTERPRISE BY: (I) BEING RELATED TO ONE ANOTHER THROUGH A COMMON SCHEME OR PLAN; OR (II) HAVING BEEN COMMITTED, SOLICITED, REQUESTED, IMPORTUNED OR INTENTIONALLY AIDED BY PERSONS ACTING WITH THE MENTAL CULPABILITY REQUIRED FOR THE COMMISSION OF SUCH CRIMINAL ACTS AND SUCH PERSON IS A MEMBER OF SUCH CRIMINAL STREET GANG ENTERPRISE.

S 3. Paragraph (h) of subdivision 2 of section 1349 of the civil practice law and rules, as added by chapter 655 of the laws of 1990, is amended to read as follows:

(h) [All] EXCEPT WITH RESPECT TO A CIRCUMSTANCE TO WHICH PARAGRAPH (I) OF THIS SUBDIVISION APPLIES, ALL moneys remaining after distributions pursuant to paragraphs (a) through (g) of this subdivision shall be distributed as follows:

(i) seventy-five percent of such moneys shall be deposited to a law enforcement purposes subaccount of the general fund of the state where the claiming agent is an agency of the state or the political subdivision or public authority of which the claiming agent is a part, to be used for law enforcement use in the investigation of penal law offenses;

(ii) the remaining twenty-five percent of such moneys shall be deposited to a prosecution services subaccount of the general fund of the state where the claiming authority is the attorney general or the political subdivision of which the claiming authority is a part, to be used for the prosecution of penal law offenses.

Where multiple claiming agents participated in the forfeiture action, funds available pursuant to subparagraph (i) of this paragraph shall be disbursed to the appropriate law enforcement purposes subaccounts in accordance with the terms of a written agreement reflecting the participation of each claiming agent entered into by the participating claiming agents.

S 4. Subdivision 2 of section 1349 of the civil practice law and rules is amended by adding a new paragraph (i) to read as follows:

(I) IF THE DEFENDANT AGAINST WHOM A FORFEITURE ACTION IS COMMENCED IS CONVICTED OF A CRIMINAL STREET GANG ENTERPRISE OFFENSE DEFINED IN ARTICLE TWO HUNDRED EIGHTY OF THE PENAL LAW, ALL MONEYS REMAINING AFTER DISTRIBUTIONS PURSUANT TO PARAGRAPHS (A) THROUGH (G) OF THIS SUBDIVISION SHALL BE DISTRIBUTED AS FOLLOWS:

(1) SEVENTY-FIVE PERCENT OF SUCH MONEYS SHALL BE DEPOSITED TO A SEPARATE ACCOUNT OF THE SCHOOL DISTRICT WHEREIN SUCH DEFENDANT RESIDES, WHICH THE SUPERINTENDENT OF SUCH DISTRICT SHALL ESTABLISH FOR THE RECEIPT OF ALL SUCH MONEYS, AND SAID MONEYS SHALL BE UTILIZED BY THE SUPERINTENDENT EXCLUSIVELY TO DEVELOP, IMPLEMENT AND/OR MAINTAIN INSTRUCTIONAL PROGRAMS DESIGNED TO DETER OR PREVENT YOUTHS FROM ASSOCIATING WITH OR BECOMING MEMBERS OF CRIMINAL STREET GANG ENTERPRISES, INCLUDING BUT NOT LIMITED TO, (A) AFTER-SCHOOL SPORTS OR RECREATIONAL PROGRAMS, AND/OR (B) AFTER-SCHOOL SCHOLASTIC OR ACADEMIC PROGRAMS;

(2) FIFTEEN PERCENT OF SUCH MONEYS SHALL BE DEPOSITED TO A LAW ENFORCEMENT PURPOSES SUBACCOUNT OF THE GENERAL FUND OF THE STATE WHERE THE CLAIMING AGENT IS AN AGENCY OF THE STATE OR THE POLITICAL SUBDIVISION OR PUBLIC AUTHORITY OF WHICH THE CLAIMING AGENT IS A PART, TO BE USED FOR LAW ENFORCEMENT USE IN THE INVESTIGATION OF PENAL LAW OFFENSES; AND

(3) THE REMAINING TEN PERCENT OF SUCH MONEYS SHALL BE DEPOSITED TO A PROSECUTION SERVICES SUBACCOUNT OF THE GENERAL FUND OF THE STATE WHERE THE CLAIMING AUTHORITY IS THE ATTORNEY GENERAL OR THE POLITICAL SUBDIVISION OF WHICH THE CLAIMING AUTHORITY IS A PART, TO BE USED FOR THE PROSECUTION OF PENAL LAW OFFENSES.

WHERE MULTIPLE CLAIMING AGENTS PARTICIPATED IN THE FORFEITURE ACTION, FUNDS AVAILABLE PURSUANT TO SUBPARAGRAPH TWO OF THIS PARAGRAPH SHALL BE DISBURSED TO THE APPROPRIATE LAW ENFORCEMENT PURPOSES SUBACCOUNTS IN ACCORDANCE WITH THE TERMS OF A WRITTEN AGREEMENT REFLECTING THE PARTICIPATION OF EACH CLAIMING AGENT ENTERED INTO BY THE PARTICIPATING CLAIMING AGENTS.

S 5. Severability. If any provision of this act, or the application thereof to any person or circumstance, shall be adjudged by any court of competent jurisdiction to be invalid or unconstitutional, such judgment shall not affect, impair or invalidate the remainder thereof, but shall be confined in its operation to the provision of this act, or in its application to the person or circumstance, directly involved in the controversy in which such judgment shall have been rendered.

S 6. This act shall take effect on the first of November next succeeding the date on which it shall have become a law.