

## **§2A5.2**

extortionate demands through the use of the United States Postal Service, behavior proscribed by 18 U.S.C. §§ 876–877.

*Historical Note*

Effective November 1, 1987. Amended effective November 1, 1993 (amendment 479); November 1, 2023 (amendment 824).

\* \* \* \* \*

## **5. AIR PIRACY AND OFFENSES AGAINST MASS TRANSPORTATION SYSTEMS**

*Historical Note*

Effective November 1, 1987. Amended effective November 1, 2002 (amendment 637).

---

### **§2A5.1. Aircraft Piracy or Attempted Aircraft Piracy**

---

- (a) Base Offense Level: **38**
- (b) Specific Offense Characteristic
  - (1) If death resulted, increase by **5** levels.

#### **Commentary**

**Statutory Provisions:** 49 U.S.C. § 46502(a), (b) (formerly 49 U.S.C. § 1472 (i), (n)). For additional statutory provision(s), see Appendix A (Statutory Index).

**Background:** This section covers aircraft piracy both within the special aircraft jurisdiction of the United States, 49 U.S.C. § 46502(a), and aircraft piracy outside that jurisdiction when the defendant is later found in the United States, 49 U.S.C. § 46502(b). Seizure of control of an aircraft may be by force or violence, or threat of force or violence, or by any other form of intimidation. The presence of a weapon is assumed in the base offense level.

*Historical Note*

Effective November 1, 1987. Amended effective November 1, 1995 (amendment 534).

---

### **§2A5.2. Interference with Flight Crew Member or Flight Attendant; Interference with Dispatch, Navigation, Operation, or Maintenance of Mass Transportation Vehicle; Unsafe Operation of Unmanned Aircraft**

---

- (a) Base Offense Level (Apply the greatest):
  - (1) **30**, if the offense involved intentionally endangering the safety of:
    - (A) an airport or an aircraft; or (B) a mass transportation facility or a mass transportation vehicle;