

## **§2M5.3**

items described in subdivisions (A) through (C); or (E) funds or other material support or resources with the intent, knowledge, or reason to believe they are to be used to commit or assist in the commission of a violent act, increase by **2** levels.

(c) Cross References

- (1) If the offense resulted in death, apply §2A1.1 (First Degree Murder) if the death was caused intentionally or knowingly, or §2A1.2 (Second Degree Murder) otherwise, if the resulting offense level is greater than that determined above.
- (2) If the offense was tantamount to attempted murder, apply §2A2.1 (Assault with Intent to Commit Murder; Attempted Murder), if the resulting offense level is greater than that determined above.
- (3) If the offense involved the provision of (A) a nuclear weapon, nuclear material, or nuclear byproduct material; (B) a chemical weapon; (C) a biological agent, toxin, or delivery system; or (D) a weapon of mass destruction, apply §2M6.1 (Nuclear, Biological, and Chemical Weapons, and Other Weapons of Mass Destruction), if the resulting offense level is greater than that determined above.

### **Commentary**

**Statutory Provisions:** 18 U.S.C. §§ 2283, 2284, 2339B, 2339C(a)(1)(B), (c)(2)(B) (but only with respect to funds known or intended to have been provided or collected in violation of 18 U.S.C. § 2339C(a)(1)(B)); 22 U.S.C. § 8512; 50 U.S.C. § 1705.

**Application Note:**

1. **Definitions.**—For purposes of this guideline:

***“Biological agent”*, “chemical weapon”, “nuclear byproduct material”, “nuclear material”, “toxin”, and “weapon of mass destruction”** have the meaning given those terms in Application Note 1 of the Commentary to §2M6.1 (Nuclear, Biological, and Chemical Weapons, and Other Weapons of Mass Destruction).

***“Dangerous weapon”*, “firearm”, and “destructive device”** have the meaning given those terms in Application Note 1 of the Commentary to §1B1.1 (Application Instructions).

***“Explosives”*** has the meaning given that term in Application Note 1 of the Commentary to §2K1.4 (Arson; Property Damage by Use of Explosives).

***“Foreign terrorist organization”*** has the meaning given the term “terrorist organization” in 18 U.S.C. § 2339B(g)(6).

***“Material support or resources”*** has the meaning given that term in 18 U.S.C. § 2339B(g)(4).