

## §2K2.6

### Commentary

**Statutory Provisions:** 18 U.S.C. §§ 922(q), 930; 40 U.S.C. § 5104(e)(1).

#### Application Notes:

1. “***Dangerous weapon***” and “***firearm***” are defined in the Commentary to §1B1.1 (Application Instructions).
2. “***Federal court facility***” includes the courtroom; judges’ chambers; witness rooms; jury deliberation rooms; attorney conference rooms; prisoner holding cells; offices and parking facilities of the court clerks, the United States attorney, and the United States marshal; probation and parole offices; and adjoining corridors and parking facilities of any court of the United States. *See* 18 U.S.C. § 930(g)(3).
3. “***School zone***” is defined at 18 U.S.C. § 922(q). A sentence of imprisonment under 18 U.S.C. § 922(q) must run consecutively to any sentence of imprisonment imposed for any other offense. *See* 18 U.S.C. § 924(a)(4). In order to comply with the statute, when the guideline range is based on the underlying offense, and the defendant is convicted both of the underlying offense and 18 U.S.C. § 922(q), the court should apportion the sentence between the count for the underlying offense and the count under 18 U.S.C. § 922(q). For example, if the guideline range is 30–37 months and the court determines “total punishment” of 36 months is appropriate, a sentence of 30 months for the underlying offense, plus 6 months under 18 U.S.C. § 922(q) would satisfy this requirement.

<i>Historical Note</i>	Effective November 1, 1989 (amendment 191). Amended effective November 1, 1991 (amendment 374); November 1, 2003 (amendment 661); November 1, 2010 (amendment 746); November 1, 2025 (amendment 836).
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## §2K2.6. Possessing, Purchasing, or Owning Body Armor by Violent Felons

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(a) Base Offense Level: 10

(b) Specific Offense Characteristic

- (1) If the defendant used the body armor in connection with another felony offense, increase by 4 levels.

### Commentary

**Statutory Provision:** 18 U.S.C. § 931.

#### Application Notes:

1. **Application of Subsection (b)(1).—**
  - (A) **Meaning of “Defendant”.**—Consistent with §1B1.3 (Relevant Conduct), the term “***defendant***”, for purposes of subsection (b)(1), limits the accountability of the defendant to the defendant’s own conduct and conduct that the defendant aided or abetted, counseled, commanded, induced, procured, or willfully caused.