

**“Maritime facility”** means any structure or facility of any kind located in, on, under, or adjacent to any waters subject to the jurisdiction of the United States and used, operated, or maintained by a public or private entity, including any contiguous or adjoining property under common ownership or operation.

**“National cemetery”** means a cemetery (A) established under section 2400 of title 38, United States Code; or (B) under the jurisdiction of the Secretary of the Army, the Secretary of the Navy, the Secretary of the Air Force, or the Secretary of the Interior.

**“Mass transportation”** has the meaning given that term in 18 U.S.C. § 1992(d)(7).

**“State or government facility”, “infrastructure facility”, “place of public use”, and “public transportation system”** have the meaning given those terms in 18 U.S.C. § 2332f(e)(3), (5), (6), and (7), respectively.

**“Vessel”** includes every description of watercraft or other artificial contrivance used, or capable of being used, as a means of transportation on water.

2. **Risk of Death or Serious Bodily Injury.**—Creating a substantial risk of death or serious bodily injury includes creating that risk to fire fighters and other emergency and law enforcement personnel who respond to or investigate an offense.

**Background:** Subsection (b)(2) implements the directive to the Commission in section 2 of Public Law 105–101.

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| <i>Historical Note</i> | Effective November 1, 1987. Amended effective November 1, 1989 (amendments 182, 184, and 185); November 1, 1990 (amendment 330); November 1, 1991 (amendment 404); November 1, 1998 (amendment 576); November 1, 2001 (amendment 617); November 1, 2002 (amendment 637); November 1, 2003 (amendment 655); November 1, 2007 (amendments 699 and 700); November 1, 2014 (amendment 781); November 1, 2024 (amendment 831); November 1, 2025 (amendment 836). |
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## **§2K1.5. Possessing Dangerous Weapons or Materials While Boarding or Aboard an Aircraft**

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- (a) Base Offense Level: **9**
- (b) Specific Offense Characteristics

If more than one applies, use the greatest:

- (1) If the offense was committed willfully and without regard for the safety of human life, or with reckless disregard for the safety of human life, increase by **15** levels.
- (2) If the defendant was prohibited by another federal law from possessing the weapon or material, increase by **2** levels.