

## §2B5.1

- (4) If a dangerous weapon (including a firearm) was possessed in connection with the offense, increase by **2** levels. If the resulting offense level is less than level **13**, increase to level **13**.
- (5) If any part of the offense was committed outside the United States, increase by **2** levels.

### Commentary

**Statutory Provisions:** 18 U.S.C. §§ 470–474A, 476, 477, 500, 501, 1003. For additional statutory provision(s), *see* Appendix A (Statutory Index).

### Application Notes:

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

“**Counterfeit**” refers to an instrument that has been falsely made, manufactured, or altered. For example, an instrument that has been falsely made or manufactured in its entirety is “counterfeit”, as is a genuine instrument that has been falsely altered (such as a genuine \$5 bill that has been altered to appear to be a genuine \$100 bill).

“**Distinctive counterfeit deterrent**” and “**distinctive paper**” have the meaning given those terms in 18 U.S.C. § 474A(c)(2) and (1), respectively.

“**United States**” means each of the fifty states, the District of Columbia, the Commonwealth of Puerto Rico, the United States Virgin Islands, Guam, the Northern Mariana Islands, and American Samoa.

2. **Applicability to Counterfeit Bearer Obligations of the United States.**—This guideline applies to counterfeiting of United States currency and coins, food stamps, postage stamps, treasury bills, bearer bonds and other items that generally could be described as bearer obligations of the United States, *i.e.*, that are not made out to a specific payee.
3. **Inapplicability to Certain Obviously Counterfeit Items.**—Subsection (b)(2)(A) does not apply to persons who produce items that are so obviously counterfeit that they are unlikely to be accepted even if subjected to only minimal scrutiny.

**Background:** Possession of counterfeiting devices to copy obligations (including securities) of the United States is treated as an aggravated form of counterfeiting because of the sophistication and planning involved in manufacturing counterfeit obligations and the public policy interest in protecting the integrity of government obligations. Similarly, an enhancement is provided for a defendant who produces, rather than merely passes, the counterfeit items.

Subsection (b)(4) implements, in a broader form, the instruction to the Commission in section 110512 of Public Law 103–322.

<i>Historical Note</i>	Effective November 1, 1987. Amended effective January 15, 1988 (amendment 16); November 1, 1989 (amendment 115); November 1, 1995 (amendment 513); November 1, 1997 (amendment 554); November 1, 1998 (amendment 587); November 1, 2000 (amendments 595 and 605); November 1, 2001 (amendments 617 and 618); November 1, 2009 (amendment 731); November 1, 2015 (amendment 791).
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