

Application Note:

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

“**First degree murder**” means conduct that, if committed within the special maritime and territorial jurisdiction of the United States, would constitute first degree murder under 18 U.S.C. § 1111.

“**Permanent or life-threatening bodily injury**” and “**serious bodily injury**” have the meaning given those terms in Application Note 1 of the Commentary to §1B1.1 (Application Instructions).

Background: This section applies to the offenses of assault with intent to commit murder and attempted murder. An attempted manslaughter, or assault with intent to commit manslaughter, is covered under §2A2.2 (Aggravated Assault).

<i>Historical Note</i>	Effective November 1, 1987. Amended effective November 1, 1989 (amendments 83 and 84); November 1, 1990 (amendment 311); November 1, 1991 (amendment 391); November 1, 1995 (amendment 534); November 1, 2002 (amendment 637); November 1, 2004 (amendment 663); November 1, 2006 (amendment 685); November 1, 2007 (amendment 699); November 1, 2025 (amendment 836).
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§2A2.2. Aggravated Assault

- (a) Base Offense Level: **14**
- (b) Specific Offense Characteristics
 - (1) If the assault involved more than minimal planning, increase by **2** levels.
 - (2) If (A) a firearm was discharged, increase by **5** levels; (B) a dangerous weapon (including a firearm) was otherwise used, increase by **4** levels; (C) a dangerous weapon (including a firearm) was brandished or its use was threatened, increase by **3** levels.
 - (3) If the victim sustained bodily injury, increase the offense level according to the seriousness of the injury:

DEGREE OF BODILY INJURY	INCREASE IN LEVEL
(A) Bodily Injury	add 3
(B) Serious Bodily Injury	add 5
(C) Permanent or Life-Threatening Bodily Injury	add 7
(D) If the degree of injury is between that specified in subdivisions (A) and (B),	add 4 levels; or
(E) If the degree of injury is between that specified in subdivisions (B) and (C),	add 6 levels.