

7. If the defendant is convicted under 18 U.S.C. § 842(h) (offense involving stolen explosive materials), and is convicted of no other offenses subject to this guideline, do not apply the adjustment in subsection (b)(2) because the base offense level itself takes such conduct into account.
8. Under subsection (c)(1), the offense level for the underlying offense (which may be a federal, state, or local offense) is to be determined under §2X1.1 (Attempt, Solicitation, or Conspiracy) or, if death results, under the most analogous guideline from Chapter Two, Part A, Subpart 1 (Homicide).
9. For purposes of applying subsection (a)(1) or (2), use only those felony convictions that receive criminal history points under §4A1.1(a), (b), or (c). In addition, for purposes of applying subsection (a)(1), use only those felony convictions that are counted separately under §4A1.1(a), (b), or (c). *See* §4A1.2(a)(2).

Prior felony conviction(s) resulting in an increased base offense level under subsection (a)(1), (a)(2), or (a)(4) are also counted for purposes of determining criminal history points pursuant to Chapter Four, Part A (Criminal History).

10. As used in subsections (b)(3) and (c)(1), “**another felony offense**” and “**another offense**” refer to offenses other than explosives or firearms possession or trafficking offenses.

In addition, for purposes of subsection (c)(1)(A), “**that other offense**” means, with respect to an offense under 18 U.S.C. § 842(p)(2), the underlying Federal crime of violence.

<i>Historical Note</i>	Effective November 1, 1987. Amended effective November 1, 1989 (amendment 183); November 1, 1991 (amendment 373); November 1, 1992 (amendment 471); November 1, 1993 (amendment 478); November 1, 1995 (amendment 534); November 1, 1997 (amendment 568); November 1, 1998 (amendment 586); November 1, 2001 (amendments 629 and 630); November 1, 2002 (amendment 646); November 1, 2003 (amendment 655); November 1, 2007 (amendment 700); November 1, 2010 (amendments 746 and 747); November 1, 2025 (amendment 836).
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## §2K1.4. Arson; Property Damage by Use of Explosives

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(a) Base Offense Level (Apply the Greatest):

- (1) **24**, if the offense (A) created a substantial risk of death or serious bodily injury to any person other than a participant in the offense, and that risk was created knowingly; or (B) involved the destruction or attempted destruction of a dwelling, an airport, an aircraft, a mass transportation facility, a mass transportation vehicle, a maritime facility, a vessel, or a vessel’s cargo, a public transportation system, a state or government facility, an infrastructure facility, or a place of public use;
- (2) **20**, if the offense (A) created a substantial risk of death or serious bodily injury to any person other than a participant in the offense; (B) involved the destruction or attempted destruction of a structure other