**T.P.I. – Crim. 31.10**

***[KEEPING] [MAINTAINING]* A *[LOCATION]* FOR DRUG USE**

Any person who commits the offense of *[keeping] [maintaining]* a *[location]* for drug use is guilty of a crime.

For you to find the defendant guilty of this offense, the state must have proven beyond a reasonable doubt the existence of the following essential elements:

1. that the defendant *[kept] [maintained]* a *[store] [shop] [warehouse] [dwelling] [building] [vehicle] [boat] [aircraft] [structure] [place]*;

and

(2) that the defendant knew at the time of *[keeping] [maintaining]* that it was *[resorted to by persons unlawfully using controlled substances for the purpose of using these substances] [used for [keeping] [selling] controlled substances]*.

“Controlled substance” means a drug, substance, or immediate precursor in Schedules I through VII of §§ 39-17-403 — 39-17-416. *[ \_\_\_\_\_\_\_\_\_\_ ]* is a *[drug] [substance] [immediate precursor]* in Schedules I through VII of §§ 39-17-403 — 39-17-416.

"Knew" means that a person acts knowingly with respect to the conduct or to circumstances surrounding the conduct when the person is aware of the nature of the conduct or that the circumstances exist. A person acts knowingly with respect to a result of the person's conduct when the person is aware that the conduct is reasonably certain to cause the result.

The requirement of "knowingly" is also established if it is shown that the defendant acted intentionally.

"Intentionally" means that a person acts intentionally with respect to the nature of the conduct or to a result of the conduct when it is the person's conscious objective or desire to engage in the conduct or cause the result.