

**14-3130. Possession of controlled substance; defined.<sup>1</sup>**

A person is in possession [of] \_\_\_\_\_ (*name of substance*) when he knows it is on his person or in his presence, and he exercises control over it.

[Even if the substance is not in his physical presence, he is in possession if he knows where it is, and he exercises control over it.]<sup>2</sup>

[Two or more people can have possession of a substance at the same time.]

[A person's presence in the vicinity of the substance or his knowledge of the existence or the location of the substance, is not, by itself, possession.]

USE NOTES

1. This instruction is designed to be used in controlled substance cases in which possession is an element and is in issue.

2. One or more of the following bracketed sentences may be used depending on the evidence.