

2023 Kansas Statutes

3-1009. Definitions. As used in K.S.A. 3-1006 through 3-1009, and amendments thereto:

(a) "Alcohol concentration" means the number of grams of alcohol per 100 milliliters of blood or per 210 liters of breath.

(b) "Drug" includes toxic vapors as such term is defined in K.S.A. 21-5712, and amendments thereto.

(c) "Imprisonment" includes any restrained environment in which the court and law enforcement agency intend to retain custody and control of a defendant and such environment has been approved by the board of county commissioners or the governing body of a city.

(d) "Law enforcement officer" means the same as in K.S.A. 21-5111, and amendments thereto, and includes any person authorized by law to make an arrest on a military reservation for an act which would constitute a violation of K.S.A. 3-1006, and amendments thereto, if committed off a military reservation in this state.

(e) "Other competent evidence" includes:

(1) Alcohol concentration tests obtained from samples taken four hours or more after the operation or attempted operation of an aircraft; and

(2) readings obtained from a partial alcohol concentration test on a breath testing machine.

(f) "Test refusal" refers to a person's failure to submit to or complete any test of the person's blood, breath, urine or other bodily substance, other than a preliminary screening test, in accordance with K.S.A. 3-1007, and amendments thereto, and includes refusal of any such test on a military reservation.

History: L. 2022, ch. 80, § 4; July 1.