

103年特種考試地方政府公務人員考試試題

等 別：四等考試

類 科：各類科

科 目：法學知識與英文（包括中華民國憲法、法學緒論、英文）

考試時間：1 小時

座號：_____

- ※注意：(一)本試題為單一選擇題，請選出一個正確或最適當的答案，複選作答者，該題不予計分。
(二)本科目共 50 題，每題 2 分，須用 2B 鉛筆在試卡上依題號清楚劃記，於本試題上作答者，不予計分。
(三)禁止使用電子計算器。

- 1 依憲法第 109 條規定，各省辦理由省立法並執行或交由縣執行之各項事務，若經費不足時，可由國庫補助之，但須經何機關議決之？
(A)行政院主計總處 (B)立法院 (C)監察院審計部 (D)財政部國庫署
- 2 依據憲法規定，法官為終身職，僅於一定之情形下方得予以免職。下列情形，何者並不屬之？
(A)受刑事有罪判決確定 (B)受懲戒處分
(C)受禁治產宣告（受監護宣告） (D)受行政裁罰處分
- 3 憲法上規定，非依法律，不得對法官之作為中，下列何者錯誤？
(A)調職 (B)轉任 (C)減俸 (D)停職
- 4 下列關於平等權之敘述，何者錯誤？
(A)雇主對受僱者之退休、資遣、離職及解僱，不得因性別或性傾向而有差別待遇
(B)學校應提供性別平等之學習環境，尊重及考量學生與教職員工之不同性別、性別特質、性別認同或性傾向，並建立安全之校園空間
(C)國家不得對特定之宗教加以獎勵或禁制，或對人民特定信仰給予優待或不利益
(D)對於未成年子女之權利義務，除法律另有規定外，由父母共同行使或負擔之。父母對於權利之行使意思不一致時，則應由父行使之
- 5 下列何者不屬於憲法增修條文內對於退役軍人特別保障之範圍？
(A)就業 (B)就醫 (C)婚姻 (D)就學
- 6 依憲法增修條文第 2 條之規定，立法院提出總統、副總統彈劾案，由下列何者審理？
(A)最高法院 (B)最高行政法院 (C)公民投票決定 (D)司法院大法官
- 7 有關法定預算之執行，下列敘述何者錯誤？
(A)對預算執行之監督，屬立法機關之權限與職責
(B)法定預算之執行，屬行政部門之職責；故行政部門得利用法定預算之停止執行，以變更施政方針或重要政策
(C)立法院通過之法定預算屬於對國家機關歲出、歲入及未來承諾之授權規範
(D)非屬國家重要政策之變更且符合預算法所定要件，主管機關依其合義務之裁量，自得裁減預算經費或變動執行
- 8 立法院對行政院所提出之不信任案，應於不信任案提出後，至遲多久內作成決定？
(A)1 日 (B)2 日 (C)3 日 (D)5 日
- 9 立法院經總統解散後，最遲應於幾日內舉行立法委員之選舉？
(A)30 日 (B)60 日 (C)80 日 (D)90 日
- 10 依憲法增修條文規定，國家安全會議由誰所設置？
(A)總統 (B)行政院院長 (C)立法院 (D)司法院
- 11 依司法院釋字第 565 號解釋，所得稅法第 4 條之 1 規定自民國 79 年起證券交易所停徵所得稅，下列相關敘述何者錯誤？
(A)證券交易所停徵所得稅，性質上屬於稅捐優惠
(B)民國 79 年以前證券交易所停徵所得稅，係基於所得稅法之明文授權，尚符合租稅法律主義
(C)證券交易所停徵所得稅，造成同等經濟能力之人，稅捐負擔卻不平等
(D)租稅優惠是基於量能平等負擔原則
- 12 有關我國憲法第 7 條平等原則之敘述，下列何者正確？
(A)依國軍老舊眷村改建條例及其施行細則之規定，在力求與受益人之基本生活需求相當，並對其提供必要之扶助之前提下，允許原眷戶領取由政府給與輔助購宅款之優惠，惟此一立法實造成社會福利資源之排擠，實已有違平等原則之精神
(B)可依宗教信仰之理由要求服非戰鬥役，造成對無宗教信仰者不平等之對待，牴觸憲法對平等保護之要求
(C)補償性之優惠性差別待遇以及以多元性教育目的之優惠性差別待遇均係實質平等之體現
(D)由一男一女成立之婚姻關係，並無平等原則適用之餘地
- 13 關於平等權拘束立法者的意義，下列何者錯誤？
(A)法律制定本身亦須符合平等的要求
(B)為增進公共利益，得對量能平等負擔設有例外規定，例如租稅優惠
(C)經立法程序，即使無正當理由，亦得為差別對待之立法
(D)立法者得不拘泥於形式平等，而為立法
- 14 下列對於言論自由的敘述，何者正確？
(A)言論自由不得限制 (B)言論自由大於隱私權的保障
(C)廣告不在言論自由保障範圍內 (D)言論自由不得侵害他人之人格

- 15 人民就國家政策向該管行政機關表達意見，是下列何種基本權之行使？
(A)請願權 (B)訴願權 (C)訴訟權 (D)人格權
- 16 有關判例之敘述，下列何者正確？
(A)判例經民事庭、刑事庭或民、刑庭總會決議後，報請司法院許可
(B)判例為司法院大法官解釋之對象
(C)判決僅具有事實上之拘束力，為法律適用上之小前提
(D)判例之作成及變更，應依據各訴訟法之規定
- 17 主張在國家成立之前，即已存在著基於人類或人類本性而成立的規範的是那一個學派？
(A)社會法學派 (B)實證法學派 (C)自然法學派 (D)一般法學派
- 18 下列關於股份有限公司發行新股之敘述，何者錯誤？
(A)股份有限公司章程所訂之資本額可分次發行
(B)公開發行股票之公司，其發行之股份得免印製股票，但應向證券集中保管事業登錄該次發行之內容
(C)為使公司有充足之現金可供使用，分派盈餘時，只要經股東會普通決議，即可發給股東股票股利
(D)公開發行股票之公司發行限制員工權利新股者，由於排除股東優先認股權，故應先經股東會特別決議後，始得為之
- 19 下列關於股份有限公司股份表決權之敘述，何者錯誤？
(A)公司可以發行無表決權或限制表決權之特別股
(B)相互投資公司，其所得行使之表決權，得超過被投資公司已發行有表決權股份總數之二分之一
(C)公司依法持有自己之股份，其股份無表決權
(D)公司各股東，除有法律特別規定，每股有一表決權
- 20 公務員甲收受作為職務對價的汽車一輛，市價 500 萬元，並接受多次飲宴招待，市價約值 15 萬元。甲對汽車沒有興趣，得手後隨即依市價轉售。其後收賄事發，有關本案所得財產之處理，下列敘述何者正確？
(A)汽車雖經轉售，仍應沒收相同品質之汽車一輛 (B)汽車已經轉售，飲宴招待已經下肚，均不能沒收
(C)汽車售價與飲宴價值，均應追徵 (D)汽車轉售無法沒收，僅得就飲宴價值追徵
- 21 甲無法律上原因由乙處取得 A 屋。嗣後甲因 A 屋都市更新計畫而取得更高價的 B 屋，甲並仍居住該屋中，下列敘述何者正確？
(A)甲應返還 A 屋價額 (B)甲應返還 B 屋價額
(C)甲可以主張所得 A 屋利益已不存在 (D)甲應返還 B 屋
- 22 有關建築物區分所有之敘述，下列何者錯誤？
(A)共有部分除法律另有規定外，得經規約之約定供區分所有建築物之特定所有人使用
(B)專有部分依規約之約定得供區分所有建築物之所有人共同使用
(C)專有部分與其所屬之共有部分及其基地之權利，不得分離而為移轉
(D)共有部分之修繕費，由各所有人按其應有部分分擔之
- 23 依民法規定，下列有關抵銷之敘述，何者錯誤？
(A)禁止扣押之債，其債務人不得主張抵銷
(B)因故意侵權行為而負擔之債，其債權人不得主張抵銷
(C)清償地不同之債務，亦得為抵銷
(D)約定應向第三人為給付之債務人，不得以其債務，與他方當事人對於自己之債務為抵銷
- 24 請問下列關於我國現行繼承新制之法定限定責任的敘述，何者正確？
(A)我國不再採取概括繼承主義
(B)只有未成年之繼承人方能主張法定限定責任
(C)繼承人對繼承債務不可能負無限清償責任
(D)繼承人於繼承開始前 2 年內，受有被繼承人之贈與者，該財產視為其所得遺產
- 25 債權人對於詐害債權之撤銷訴權，自知有撤銷原因時起，最遲應於幾年內行使？
(A)1 年 (B)3 年 (C)5 年 (D)10 年
- 26 甲出賣汽車零件一批予乙，買賣契約中約定「甲未能於今年 5 月 5 日如期交貨，應賠償乙 5 萬元之違約金。」甲無法如期交貨，致乙損失 15 萬元，乙得向甲請求賠償之範圍為：
(A)15 萬元之損害賠償 (B)15 萬元之損失與違約金 5 萬元
(C)違約金 5 萬元 (D)10 萬元
- 27 若將法律規範之結構分成「構成要件」與「法律結果」，下列何者為法律結果？
(A)民法第 144 條第 1 項「時效完成後，債務人得拒絕給付。」之「時效完成後」
(B)民法第 1079 條第 2 項「收養有無效、得撤銷之原因或違反其他法律規定者，法院應不予認可。」之「法院應不予認可」
(C)民法第 149 條「對於現時不法之侵害，為防衛自己或他人之權利所為之行為，不負損害賠償之責。」之「對於現時不法之侵害，為防衛自己或他人之權利所為之行為」
(D)民法第 763 條第 1 項「所有權以外之物權，及以該物權為標之物之權利，歸屬於一人者，其權利因混同而消滅。」之「所有權以外之物權，及以該物權為標之物之權利，歸屬於一人者」

- 28 行政機關在適用下列何種規定時，應遵守合義務裁量原則？
(A)義務人顯有逃匿之虞者，得命其提供相當擔保
(B)義務人懷胎 5 月以上或生產後 2 月未滿者，不得管收
(C)管收期限屆滿者，即以書面通知管收所釋放被管收入
(D)汽車駕駛人將駕駛執照借供他人駕車者，吊扣其駕駛執照 3 個月
- 29 勞工保險之被保險人如欲請領年金給付，其平均月投保薪資應如何計算？
(A)退保當月起前 3 年實際月投保薪資平均 (B)退保當月起前 6 個月實際月投保薪資平均
(C)加保期間最高 60 個月之月投保薪資平均 (D)加保期間最高 30 個月之月投保薪資平均
- 30 依據家庭暴力防治法，醫事、社會工作、教育、警察或移民業務等人員，在執行職務時知有疑似家庭暴力情事者，應有通報地方主管機關的義務，並應至遲於幾小時內通報？
(A)12 小時 (B)24 小時 (C)4 小時 (D)48 小時
- 31 Derek was caught stealing money at school; the principal told him that he was not allowed to go back to school _____ his behavior improved.
(A)since (B)only if (C)until (D)provided that
- 32 Maggie's musical tastes are very _____. She has CDs ranging from classical piano performances to rock concerts, jazz, African music, and even Chinese opera.
(A)diverse (B)tranquil (C)opposite (D)partial
- 33 I couldn't go to the movies with my friends this afternoon because I had to run some _____ such as taking mail to the post office and doing grocery shopping.
(A)assignments (B)errands (C)missions (D)routines
- 34 As the misty moonlight gradually covered the night with a sheet of white veil, a couple sat down by the quiet lake enjoying the moment of _____.
(A)indifference (B)serenity (C)heritage (D)exploration
- 35 The new law enforces severe _____ on people who do not fasten their seat belts while riding in the backseat of a car.
(A)criticism (B)reaction (C)dispute (D)penalty
- 36 The on-going protests and demonstrations against the ruling party have made some foreign investors _____ to invest further in the country.
(A)circular (B)hesitant (C)various (D)tolerant
- 37 Writers often use graphs and drawings to help them _____ concepts which are too complicated to be expressed with words only.
(A)associate (B)eliminate (C)illustrate (D)upgrade
- 38 The doctor applied some antibiotic cream to the wound on Sara's head to help _____ her pain and speed the healing.
(A)clench (B)devour (C)soothe (D)forbid
- 39 The detective was so careful and _____ that he left no part of the crime scene unexamined.
(A)meticulous (B)descriptive (C)legendary (D)noticeable

第 40 題至第 43 題為題組

Isaac Newton was born on Christmas Day, 1642. His father had passed away a few months earlier. Three years later, his mother remarried and moved to a neighboring village, 40 Isaac in the care of his grandmother at Woolsthorpe, an estate that had been in the family for two hundred years. When Newton was fourteen, his mother, widowed a second time, returned to Woolsthorpe with the three children of her second marriage. Soon afterwards she brought Isaac home from school to learn to manage the estate, which did not appeal to him 41. He divided his time between reading and ingenious tinkering; he built dolls' houses for his little sisters, a model windmill, and a water clock that continued to run for years. What he did failed to meet his mother's expectation; 42, his mother decided to send him back to school. At eighteen he was admitted to Trinity College at Cambridge University. He had just completed his studies when the plague forced him to go back home. He set off for the peace and quiet of his rural English birthplace, where he 43 spend a year. This period was so rich in discovery that future historians would refer to it as the "miraculous year."

- 40 (A)leaving (B)leave (C)left (D)had left
41 (A)in the least (B)at last (C)at least (D)by no means
42 (A)therefore (B)nevertheless (C)furthermore (D)moreover
43 (A)would (B)will (C)should (D)shall

第 44 題至第 46 題為題組

If Sir Henry Head had not thought of a possible connection between the nerves on the soles of the feet and the rest of the body back in the 1890s, then the principle of reflexology would never have seen the light of day. Head worked on the idea that every area of the human body is represented on the soles of the feet. He managed to prove that there is a strong connection between these areas and the internal organs. Using a special kind of thumb or finger pressure, the reflexologist slowly massages the surface nerves of the sole, bringing about a reflex response. In this way, the reflexologist can easily detect dysfunctions in the body. Unfortunately, reflexology is often mistakenly associated with foot massage, but it is in fact far more complex. Reflexology not only helps to relieve patients from stress, but it also combats a variety of ailments. Reflexology is earning its place alongside mainstream complementary medicine as more and more people turn to it.

- 44 According to the passage, what is the theory behind reflexology?
- (A) The stimulation of the soles of the feet brings about a feeling of excitement.
(B) Massage eliminates the effects of stress and works wonders for mental disorder.
(C) There is a close correlation between the soles of the feet and the internal organs.
(D) The body can heal itself by producing a certain reflex response to fight off a disease.
- 45 As used in the passage, what does the phrase “see the light of day” mean?
- (A) Awake from sleep (B) Believe in a religion (C) Come into existence (D) Define the scope
- 46 Which of the following statements about reflexology is true according to the passage?
- (A) It involves the use of special instruments when treating patients.
(B) It cannot be used to treat illnesses.
(C) It is often confused with foot massage.
(D) It has been a standard practice in Western medicine for over 150 years.

第 47 題至第 50 題為題組

When we view a scene in which another person exhibits delight, pain, or disgust, the parts of our brain that react when we experience those emotions ourselves are activated. Scientists at the NeuroImaging Center, the Netherlands, wanted to see if that same region that governs those three emotions—the anterior insula—was activated when people read about someone experiencing disgust.

To test this, they placed participants in an fMRI scanner, which measures changes in blood flow in the brain, and showed them 3-second movie clips of an actor sipping from a cup and then looking disgusted. “Later on, we asked them to read an article and imagine short emotional scenarios in it,” said study team member Christian Keysers. “For instance, bumping into a drunken man, who then starts to throw up, and realizing that some of his vomit had ended up in your own mouth.” Finally, the researchers had the participants taste an unpleasant drink while in the scanner.

“In all three cases, the same location of the anterior insula lit up,” Keysers said. People with damaged anterior insula lose the capacity to feel disgusted. “If you give them sour milk, they would drink it happily and say it tastes like soda,” Keysers said. But for normal people, sipping that sour milk will result in them spitting it right back out with a “blech.” It is an evolutionary advantage to have the same reaction when watching someone else spit out the milk: you won’t try the same milk if you are aware of the other person’s disgust.

“What this means is that whether we see a movie or read a story, the same thing happens: we activate our bodily representations of what it feels like to be disgusted,” Keysers said. “And that is why reading a book and viewing a movie can both make us feel as if we literally feel what the protagonist is going through.”

- 47 What is the main idea of this article?
- (A) Like watching movies, reading can stir emotions.
(B) The main purpose of using an fMRI scanner is to measure changes in blood flow in the brain.
(C) Being able to react to another person’s disgust is an evolutionary advantage.
(D) Scientists have proved that the anterior insula is responsible for three emotions.
- 48 What was the purpose of the experiment conducted by the NeuroImaging Center according to the article?
- (A) To record participants’ reactions to sour milk.
(B) To observe how well the fMRI scanner worked.
(C) To see how many emotions the anterior insula governed.
(D) To test how people reacted when reading about someone experiencing disgust.
- 49 Based on the article, which of the following is “an evolutionary advantage”?
- (A) You watch a movie clip about someone feeling disgusted.
(B) You feel happy when you drink something tasty.
(C) You learn from other people’s experiences.
(D) You read a lot and go to the movies a lot.
- 50 Which of the following statements is NOT true according to the article?
- (A) A drunken man will always spit out the milk in disgust.
(B) An fMRI scanner measures changes in blood flow in the brain.
(C) Reading and viewing a movie about disgust can activate our own feelings of disgust.
(D) If you give a person with damaged anterior insula a glass of sour milk, he or she would not feel disgusted.