

105年公務人員特種考試司法人員、法務部 調查局調查人員、國家安全局國家安全情報 人員、海岸巡防人員及移民行政人員考試試題

考試別：調查人員、國家安全情報人員

等別：三等考試

類科組：各組

科目：綜合法政知識與英文（包括中華民國憲法、法學緒論、兩岸關係、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 依總統副總統選舉罷免法之規定，總統選舉無效之訴，應由何法院管轄？
(A)司法院大法官 (B)普通法院 (C)行政法院 (D)憲法法庭
- 2 依司法院大法官審理案件法之規定，下列敘述何者正確？
(A)大法官解釋憲法，應有大法官現有總額 3/4 之出席，及出席人 2/3 同意，方得通過
(B)大法官宣告命令牴觸憲法時，應有大法官現有總額 3/4 之出席，以出席人 1/2 同意行之
(C)大法官統一解釋法律及命令，應有大法官現有總額過半數之出席，及出席人過半數之同意，方得通過
(D)大法官每月開會 4 次，必要時得開臨時會議
- 3 依現行規定，有關總統、副總統彈劾之敘述，下列何者正確？
(A)僅得以總統、副總統犯內亂或外患罪為由，提出彈劾案
(B)總統、副總統之彈劾案由立法院提出後，送監察院審理
(C)總統、副總統之彈劾案由立法院提出後，送司法院大法官審理，經大法官會議認定成立時，被彈劾人應即解職
(D)彈劾係屬法律責任之追究，得對總統或副總統個別追究之
- 4 依司法院大法官解釋意旨，有關立法院調閱檢察機關偵查卷證之敘述，下列何者正確？
(A)立法院為行使憲法上職權，得對於偵查中之案件調閱相關卷證
(B)立法院雖非行使憲法上職權，得向檢察機關調閱偵查卷證之文件影本
(C)立法院得向檢察機關調閱已偵查終結而不起訴處分確定之案件卷證
(D)立法院得利用調閱卷證而知悉之資訊，不限於行使憲法上職權所必要
- 5 立法院副院長產生之方式為何？
(A)由立法院院長提名，立法委員行使同意權 (B)立法委員互選產生
(C)由立法院院長指派 (D)由總統提名，立法委員行使同意權
- 6 司法院院長與副院長如何產生？
(A)司法院院長由總統提名，經立法院同意任命，副院長則由院長任命之
(B)兩者均由總統提名，經立法院同意任命
(C)兩者均由司法院大法官互選之
(D)院長由各級法院法官選舉之，副院長由院長任命之
- 7 憲法第 13 條規定，人民有信仰宗教之自由，下列敘述何者正確？
(A)依據司法院釋字第 460 號解釋之意旨，國家對於建物係供神壇使用，已非土地稅法第 9 條所稱之自用住宅用地之認定，因未區分不同宗教信仰，乃違背憲法上的平等原則
(B)依據司法院釋字第 490 號解釋之意旨，人民有信仰與不信仰任何宗教之自由，以及參與或不參與宗教活動之自由
(C)依據司法院釋字第 490 號解釋之意旨，國家得對特定之宗教加以獎勵或禁制，或對人民特定信仰界予優待或不利益
(D)依據司法院釋字第 573 號解釋之意旨，國家不得以法律對於宗教團體管理、處分其財產加以規範
- 8 依司法院大法官解釋意旨，下列何種事項不受訴訟權保障？
(A)選舉委員會駁回候選人登記參選之申請
(B)總統拒絕人民大赦之請求
(C)會計師懲戒覆審委員會之覆審決議
(D)行政機關駁回人民提供政府資訊之申請
- 9 依司法院釋字第 708 號解釋之意旨，關於外國人之人身自由保障之敘述，下列何者正確？
(A)外國人並無自由進入我國國境之權利，因此內政部移民署收容外國人之目的即為拘禁犯罪嫌疑人
(B)內政部移民署遣送外國人出國於作業期間內所為之暫時收容，已限制其人身自由，應由法院裁定為之
(C)內政部移民署於暫時收容期間屆滿後認為有繼續收容之必要，得依其職權為之，無須由法院裁定
(D)外國人被收容後，有權請求內政部移民署使用其可理解之語言及書面，告知收容原因及法律依據
- 10 下列何者不屬於地方自治團體？
(A)雲林縣斗六市 (B)南投縣集集鎮 (C)桃園市中壢區 (D)新北市烏來區
- 11 下列何者屬於認定行政機關之要件？
(A)有編列附屬單位預算 (B)有辦公條戳 (C)有組織法規 (D)有獨立之辦公地點

- 12 關於法律解釋，下列何者正確？
(A)學理解釋屬於有權解釋
(B)刑罰必須遵守罪刑法定原則，故禁止類推解釋
(C)依照法律條文字義所為之解釋，稱為論理解釋
(D)不拘泥於法律條文的字義，而以整體法律秩序為基礎，闡明法律真意的解釋方法，稱為限縮解釋
- 13 下列總統發布之命令，何者須由行政院院長副署？
(A)任命考試委員之命令
(B)任命法務部部長之命令
(C)任命司法院大法官之命令
(D)任命監察院院長之命令
- 14 下列何者亦稱為消極依法行政原則？
(A)行政保留原則
(B)法律保留原則
(C)法律優越原則
(D)比例原則
- 15 下列公務員中，何者得適用刑法第 120 條之棄守地罪？
(A)鄉鎮長
(B)縣市長
(C)縣市議長
(D)軍職人員
- 16 下列何種犯罪必須審查因果關係？
(A)舉動犯
(B)加重結果犯
(C)行為犯
(D)形式犯
- 17 下列何種行為構成教唆犯？
(A)教唆他人打碎他人自己的玻璃瓶
(B)教唆他人取走別人的財物
(C)教唆他人正當防衛
(D)教唆他人踩死螳螂
- 18 依據勞動基準法第 16 條規定，雇主依規定預告終止勞動契約時，下列有關預告期間之敘述何者正確？
(A)不論工作期間長短，一律要於五日前預告
(B)繼續工作三年以上者，於三十日前預告
(C)繼續工作三年以上者，於二十日前預告
(D)繼續工作一年以上三年未滿者，於十日前預告
- 19 受僱者育嬰留職停薪期間之社會保險保費由何人負擔？
(A)無論受僱者或雇主負擔部分，皆由國家支付
(B)雇主負擔部分，由國家負擔
(C)勞工負擔部分，由國家負擔
(D)勞工負擔部分，仍由勞工支付，但得遞延三年繳納
- 20 習慣須具備下列何種要件，始有法之效力？
(A)須有外部要素，即人人確信其為法律，甘願受其拘束而無爭議者
(B)須有內部要素，即該習慣事實確屬存在與慣行
(C)原則上須為法律所未規定之事項
(D)可違反公共秩序或善良風俗
- 21 總統蔡英文的五二〇就職演說中談到，亞太地區的安全情勢變得越來越複雜，而兩岸關係也成為建構下列何者的重要一環？
(A)區域和平與集體安全
(B)中國崛起與亞洲共同體
(C)美國亞洲再平衡與圍堵戰略
(D)美日同盟與東協區域論壇
- 22 依據臺灣地區與大陸地區人民關係條例第 33 條之 2 規定，臺灣地區各級地方政府機關（構）或各級地方立法機關，非經內政部會商行政院大陸委員會報請下列何者同意，不得與大陸地區地方機關締結聯盟？
(A)國家安全會議
(B)立法院
(C)行政院
(D)監察院
- 23 依據臺灣地區與大陸地區人民關係條例施行細則第 18 條規定，大陸地區人民經強制出境者，治安機關應將其身分資料、出境日期及法規依據，送下列何者建檔備查？
(A)國家安全會議
(B)內政部移民署
(C)行政院大陸委員會
(D)內政部警政署與法務部調查局
- 24 依據臺灣地區與大陸地區人民關係條例第 21 條規定，大陸地區人民經許可進入臺灣地區者，除法律另有規定外，非在臺灣地區設有戶籍滿多少年，不得擔任情報機關（構）人員，或國防機關（構）之相關人員？
(A)六年
(B)十年
(C)十二年
(D)二十年
- 25 總統蔡英文的五二〇就職演說中談到，政府會依據下列何者處理兩岸事務？
(A)兩岸協議監督條例與促進轉型正義條例
(B)國際法與國際條約
(C)臺灣關係法與聯合國憲章
(D)中華民國憲法、兩岸人民關係條例及其他相關法律
- 26 美國前總統雷根曾向臺灣提出「六項保證」，下列何者屬於「六項保證」範圍之內？
(A)美國將逐年增加對臺軍售
(B)美國將扮演臺北與北京之間調停角色
(C)美國將對兩岸談判施加壓力
(D)美國並未改變有關臺灣主權之立場
- 27 美國對兩岸關係的基本架構，主要依據「一法三公報」，依時間先後排序，下列何者正確？
(A)臺灣關係法、上海公報、建交公報、八一七公報
(B)八一七公報、建交公報、上海公報、臺灣關係法
(C)上海公報、八一七公報、建交公報、臺灣關係法
(D)上海公報、建交公報、臺灣關係法、八一七公報
- 28 依據臺灣地區與大陸地區人民關係條例施行細則第 6 條規定，申請回復臺灣地區人民身分有特定情形者，主管機關得不予許可其申請。下列何者不屬之？
(A)有事實足認為危害國家安全、社會安定之虞者
(B)現（曾）擔任大陸地區黨務、軍事、行政職務
(C)現（曾）在大陸地區教學、研究、經商
(D)現（曾）擔任大陸地區具政治性機關（構）、團體之職務或為其成員

- 29 1983 年 6 月，鄧小平發表對兩岸和平統一的「設想」，其後被視為中共「一國兩制」政策的確立，中共將其整理為鄧小平的「六點設想」（簡稱「鄧六條」），其內涵不包括：
 (A)一個中國 (B)兩制並存 (C)完全自治 (D)和平談判
- 30 2008 年兩岸恢復事務性協商機制後，兩岸兩會（財團法人海峽交流基金會、海峽兩岸關係協會）已舉行 11 次高層會談，簽署 23 項協議，務實解決兩岸交流及攸關人民權益的各項問題，以保障臺灣人民權益。23 項協議中尚未生效者為何？①海峽兩岸民航飛航安全與試航合作協議 ②海峽兩岸避免雙重課稅及加強稅務合作協議 ③海峽兩岸服務貿易協議 ④海峽兩岸投資保障和促進協議
 (A)②③ (B)①④ (C)③④ (D)①②
- 31 Studies have shown that individuals tend to evaluate the implementation of testing programs as less _____ when fair procedures have been used.
 (A)objectified (B)objective (C)ostensible (D)objectionable
- 32 The two governments organized forums to _____ the possibility of establishing energy efficiency measures.
 (A)extract (B)exhibit (C)explore (D)extort
- 33 Unlike most other members of the crow family, the magpie is relatively fearless and _____.
 (A)excessive (B)erroneous (C)invasive (D)progressive
- 34 Some scientists fear that there won't be enough oil in the future to meet global _____.
 (A)protection (B)warming (C)commission (D)demand
- 35 I always try hard to imprint features of a new acquaintance on my memory. Yet chances are the next time when I _____ into him, I won't know who he is.
 (A)knock (B)slam (C)bump (D)smash

請依下文回答第 36 題至第 39 題

The American computer company IBM says it has developed a microprocessor – a computer chip – that works much like the human brain. IBM calls the chip True North. It is the 36 of a postage stamp. The chip has 5.4 billion tiny parts that work like the human brain's neurons and synapses. Neurons and synapses are the cells and electric forces that carry messages 37 the brain. True North has 1 million neurons and 256 million synapses. The human brain has 100 billion neurons and up to 150 trillion synapses. IBM says it can program the new chip to understand difficult problems and then solve them as humans would. The company says the True North chip could be used as a brain for 38 robots. It can also be used for controlling new kinds of wheel chairs or for recording conversations 39 several people and then making a printed record of those conversations. True North is still being tested. But IBM says it could be available for public use in two to three years. The chip is just one example of machines becoming more and more like humans. This field of study is called artificial intelligence, or AI. Some experts believe computers will someday become more intelligent than humans.

- 36 (A)sign (B)size (C)search (D)sample
 37 (A)come and go (B)left and right (C)good and bad (D)to and from
 38 (A)black and white (B)lost and found (C)search-and-rescue (D)life-and-death
 39 (A)involving (B)neglecting (C)bypassing (D)excluding

第 40 題至第 43 題為篇章結構，各題請依文意從四個選項中選出最合適者，答案選用不能重複

Research shows that smiling has many positive effects on our health. This might explain why the people in the studies with bigger smiles had longer lives. 40 It also lowers blood pressure. Smiling can affect the brain in the same way as exercise. For example, it increases the amount of feel-good hormones such as serotonin and endorphins. 41 Furthermore, recent brain research shows that just the act of smiling can actually make us happier. 42 But then, our smiles send a message back to the brain that makes us feel even happier. Smiling is clearly good for us. 43 It is easy to see that smiling is much more than just an expression of happiness. It's a powerful tool for maintaining both emotional and physical health.

- 40 (A)Endorphins not only make us feel better, but reduce pain as well.
 (B)Studies show that smiling reduces stress and stress-related hormones.
 (C)We can even get the benefits of smiling just by making ourselves smile.
 (D)In other words, we smile because something happens that makes us happy.
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請依下文回答第 44 題至第 47 題

Some 66m years ago Earth was hit by a space rock reckoned to have been 10km across. The resulting chaos caused the extinction of dinosaurs and many other species, opening the way for the age of mammals—and ultimately humans. It also left a big hole in what is now southern Mexico. That hole is one of only three known of similar dimensions (the other two are Vredefort in South Africa and Sudbury in Canada). And this is odd. For, during the billions of years that Earth has had a solid crust, many more than three big asteroids might have been expected to have hit it.

That thought led Brandon Johnson of the MIT and Timothy Bowling of Purdue University in Indiana, to wonder how many other craters have vanished, either by erosion or by being swallowed into Earth's interior as its crust moves around, and therefore whether it is likely that some have survived and been overlooked. They have just published their analysis in *Geology*.

Earth's crust formed more than 4 billion years ago, but the oldest surviving blocks of it large enough to harbor craters date back only 3.5 billion years. What is known of the sizes and orbits of modern asteroids suggests that, if things have not changed over the aeons, about 14 big asteroids (defined as having a diameter of more than 7.4km, which would cause a crater at least 85km in diameter) should hit Earth every billion years. That means 49, give or take seven, over the past 3.5 billion years. Such impacts may have been more common in the past, when more big asteroids were around. Allowing for this, Earth would have been hit by 113, give or take 11, of them. Either way, a lot of craters are missing.

- 44 How large is the crater created in southern Mexico by the asteroid 66m years ago?
(A) 10km across in diameter. (B) 85km in diameter.
(C) 7.4km in diameter. (D) Not mentioned in the article.
- 45 Over the past 3.5 billion years, roughly how many asteroids may have hit Earth?
(A) 14 (B) 85 (C) 113 (D) 11
- 46 How many other craters of a dimension similar to the one in southern Mexico are known to people?
(A) 3 (B) 2 (C) 1 (D) 4
- 47 What can we infer about the missing craters?
(A) They never left any impact on Earth. (B) They have not been completely eroded.
(C) They were far more than the surviving ones. (D) They were hit by more than one asteroid.

請依下文回答第 48 題至第 50 題

In 1881 a young woman named Mabel Loomis Todd wrote her parents about “the *character* of Amherst...a lady whom the people call the ‘Myth’: she has not been outside of her own house in fifteen years.... She dresses wholly in white, and her mind is said to be perfectly wonderful.” So began the legend of Emily Dickinson, one of the greatest poets of the nineteenth century, who was for years portrayed by biographers and critics as an eccentric recluse, a “little home-keeping person,” a mad spinster who had been disappointed in love. For, four years after this New England woman in white died in 1886, the same Mabel Loomis Todd brought out a volume containing selections from 1,776 strange and passionate poems, which had been found, neatly sewed into booklets, in her bureau drawers, and the imagination of the public was immediately seized by the mysterious discrepancy between what seemed to be the isolation of Dickinson's life and the intensity of her art. To many, indeed, the “case” of Emily Dickinson—only eight of whose poems had been published in her lifetime—seemed to offer a crucial model for the situation of the woman poet. Eccentricity, reclusiveness, and most of all, thwarted romance—these appeared to be the conditions that might drive a woman to what was, for women, the perversity of writing verses.

- 48 According to the passage, what was the relationship between Mabel Loomis Todd and Emily Dickinson?
(A) They are mother and daughter. (B) They are sisters.
(C) They are a lesbian couple. (D) It is not clearly mentioned.
- 49 According to the passage, which of the following statements is true about Emily Dickinson?
(A) She was very popular when she was still alive. (B) She was colorblind and could only see white color.
(C) Her poetry has a very unique style. (D) Besides poems, she also wrote novels.
- 50 When did Mabel Loomis Todd find Dickinson's poems?
(A) 1886 (B) 1890 (C) 1776 (D) 1881