

109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)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 依司法院大法官解釋，憲法第8條第1項所規定之「司法機關」，係指下列何者而言？
(A)與憲法第77條規定之司法機關相同
(B)指最高法院、最高行政法院及所屬各級法院
(C)除憲法第77條規定之司法機關以外，尚包括檢察機關在內
(D)憲法第77條規定之司法機關及司法院大法官
- 2 監察院對於下列何者得提出糾正案，促其改善？
(A)行政院及其有關部會 (B)考試院 (C)司法院 (D)立法院
- 3 依司法院釋字第627號解釋，關於總統之刑事豁免權，下列敘述何者錯誤？
(A)總統之刑事豁免權為一種暫時性之程序障礙
(B)總統任職期間，除犯內亂或外患罪外，不得開始以其為犯罪嫌疑人之偵查程序
(C)檢察官因他人刑事案件而發現總統有犯罪嫌疑時，得為必要之證據保全
(D)副總統亦享有此豁免權
- 4 依司法院大法官解釋意旨，大學生因行為不檢被學校記小過一次，學生有何救濟管道？
(A)僅能向學校申訴 (B)向學校申訴後，提起訴願，但不得提起行政訴訟
(C)直接提起行政訴訟 (D)得提起行政爭訟
- 5 下列何者不屬於參政權之保障範圍？
(A)擔任國立大學教師 (B)擔任村里長 (C)擔任直轄市議會議員 (D)擔任政務官
- 6 依司法院大法官解釋，下列何者不屬於課予人民財產權負擔一定社會義務的情形？
(A)祭祀公業條例施行前已存在之祭祀公業，縱其規約禁止女性子孫為派下員，規約仍有效力
(B)人民攜帶一定數額以上外幣出入國境須申報登記，違反者應予沒入
(C)禁止建築物所有人在自家騎樓設攤
(D)要求菸商應於菸品外包裝以中文標示菸品所含之尼古丁及焦油含量
- 7 依司法院釋字第557號解釋，關於行政機關提供宿舍予所屬人員任職期間居住，下列敘述何者正確？
(A)其居住係公務人員俸給支付之一部分，受財產權保障
(B)為安定現職人員生活屬行政機關管理財務之權限行為
(C)居住之公務人員調職或退休後，基於信賴保護原則，行政機關仍不得回收
(D)行政機關要求居住之公務人員或其眷屬搬出，基於居住及遷徙自由保障，須有法院判決始可執行之
- 8 下列何者未違反憲法保障之宗教自由？
(A)政府機關撥款補助特定宗教團體之祭拜典禮
(B)土地稅法規定，各種不同宗教信仰之宗教用地，一律減免土地稅
(C)要求公務員履歷上須填具宗教信仰
(D)立法院決議將特定宗教之慶典日列為國定假日
- 9 依憲法本文規定，下列何者事項並未規定？
(A)國歌 (B)國民 (C)疆域 (D)國旗
- 10 依憲法增修條文規定，下列何者不得連任？
(A)考試委員 (B)總統 (C)監察委員 (D)大法官
- 11 依憲法增修條文第4條之規定，下列敘述何者錯誤？
(A)依據政黨比例代表制所選出的當選名單，婦女名額不得低於1/2
(B)總統於立法院解散後發布緊急命令，立法院應於3日內自行集會，並於開議7日內追認之
(C)立法委員除現行犯外，在會期中，非經立法院許可，不得逮捕或拘禁。憲法第74條之規定，停止適用
(D)中華民國領土，依其固有疆域，非經全體立法委員1/4之提議，全體立法委員3/4之出席，及出席委員3/4之決議，提出領土變更案，並於公告1年內，經中華民國自由地區選舉人投票複決，有效同意票過選舉人總額之半數，不得變更之

- 12 憲法增修條文第10條第2項規定：經濟及科學技術發展，應與環境及生態保護兼籌並顧。關於此一規定之性質，下列敘述何者錯誤？
(A)此一規定為方針性條款 (B)得做為國家立法對高汙染行為課以特別公課之依據
(C)得做為憲法解釋之依據 (D)得直接做為人民主張環境權之依據
- 13 依司法院大法官解釋，有關思想自由之保障，下列敘述何者錯誤？
(A)思想自由保障人民內在精神活動，是人類文明之根源與言論自由之基礎
(B)思想自由得由國家機關發布緊急命令而予以必要之限制
(C)思想自由為憲法所欲保障最基本之人性尊嚴
(D)思想自由對自由民主憲政秩序之存續，具特殊重要意義
- 14 依憲法及司法院大法官解釋，下列何者有應邀赴立法院備詢之義務？
(A)監察院院長 (B)檢察官 (C)公平交易委員會委員 (D)參謀總長
- 15 下列何者並非地方立法機關之成員？
(A)縣議員 (B)市議員 (C)鎮民代表會代表 (D)原住民族部落會議代表
- 16 如法律規定欠繳路邊停車費之車主，其健保卡將被鎖卡，係違反那一行政法原則？
(A)有利不利一律注意原則 (B)平等原則
(C)明確性原則 (D)不當聯結禁止原則
- 17 巡邏員警乙見駕駛人甲行跡可疑，趨前臨檢並要求甲打開後車廂受檢。試問下列何者非員警行為所干預的基本權利？
(A)行動自由 (B)隱私權 (C)財產權 (D)表意自由
- 18 下列何者不受行政程序法之規範？
(A)行政機關作成行政處分 (B)行政機關締結行政契約
(C)行政機關處理人民請願 (D)行政機關處理人民陳情
- 19 民法未使相同性別二人，得為經營共同生活之目的，成立具有親密性及排他性之永久結合關係。下列何者不是司法院大法官解釋宣告其違憲之原因？
(A)與憲法增修條文第10條第6項消除性別歧視之意旨有違
(B)與憲法第22條保障人民婚姻自由之意旨有違
(C)與憲法第7條保障人民平等權之意旨有違
(D)與憲法第22條維護人性尊嚴之意旨有違
- 20 依憲法訴訟法之規定，下列有關聲請憲法法庭裁判程序之敘述，何者錯誤？
(A)聲請憲法法庭裁判採行強制代理 (B)憲法法庭審理案件不徵收裁判費
(C)聲請人於裁判宣示或公告前原則上得撤回其聲請 (D)憲法法庭得合併審理分別提起的數件聲請案
- 21 關於法規的準用、擬制與推定，下列敘述何者錯誤？
(A)對某一事項規定準用其他法規者，該其他法規修正後，仍準用其修正前之規定
(B)推定屬於一種立法技術
(C)準用係以事件性質具有類似性為前提
(D)擬制於立法技術上，常使用「視為」之文字
- 22 依中央法規標準法之規定，有關法規之施行，下列敘述何者錯誤？
(A)法規可授權主管機關以命令規定施行區域，對該施行區域外則不生效力
(B)法規特定有施行日期，自該特定日起發生效力
(C)法規如未規定施行日期，應授權以命令規定施行日期
(D)法規明定自公布或發布日施行者，自公布或發布之日發生效力
- 23 下列何者不是法律「施行日期」的規定方式？
(A)法律自訂施行日期 (B)法律授權以命令規定施行日期
(C)法律授權主管機關首長決定施行日期 (D)法律明定自公布日施行
- 24 依行政程序法之規定，行政機關基於法律授權所訂定的命令，稱為：
(A)授權命令 (B)法規命令 (C)行政規則 (D)職權命令

- 25 民法第6條規定「人之權利能力，始於出生，終於死亡」，第7條規定「胎兒以將來非死產者為限，關於其個人利益之保護，視為既已出生」。此二規定彼此間的關係為：
- (A) 強行法與任意法 (B) 母法與子法 (C) 實體法與程序法 (D) 原則法與例外法
- 26 30歲甲在下班途中，因乙駕車不慎而被撞成重傷，致甲右腿粉碎性骨折成為殘廢，住院期間由甲之配偶丙全責照料。下列敘述何者正確？
- (A) 甲不得依侵權行為向乙主張給付復健費 (B) 甲得依侵權行為向乙主張給付住院治療而支出之膳食費
(C) 甲不得依侵權行為向乙主張給付看護費用 (D) 丙得依侵權行為向乙主張給付贍養費
- 27 行政機關依法規將其權限之一部分交由所屬下級機關行使，稱為：
- (A) 委任 (B) 委託 (C) 委辦 (D) 委託行使公權力
- 28 下列關於法人之侵權行為能力敘述，何者正確？
- (A) 法人有侵權行為能力，並由法人單獨負責
(B) 法人無侵權行為能力，因法人無識別能力
(C) 法人有侵權行為能力，由法人與其董事或其他有代表權人連帶負責
(D) 法人有限制的侵權行為能力，由法人之董事決定是否負責
- 29 甲以自己之名義，將其向丙所借之 C 數位單眼相機，以新臺幣5萬元出售予丁，當場銀貨兩訖。經查丁為善意並無重大過失，下列敘述何者正確？
- (A) 該買賣契約經丙之承認始生效力 (B) 丁基於與甲的買賣契約而取得 C 相機之所有權
(C) 丁取得 C 相機之所有權 (D) 甲讓與 C 相機給丁，為無權代理
- 30 中央法規標準法第6條規定：「應以法律規定之事項，不得以命令訂之」，係屬何種法律原則？
- (A) 法明確性原則 (B) 法律保留原則 (C) 法安定性原則 (D) 授權明確性原則
- 31 Researchers discover that more than half of the sodium that people _____ are store-bought food.
- (A) consume (B) depart (C) inhabit (D) originate
- 32 He felt quite under the weather and left his dinner _____.
- (A) untreated (B) untapped (C) untouched (D) untested
- 33 Creatures, such as ants, mice, or cockroaches, are common _____.
- (A) pets (B) pests (C) baits (D) bets
- 34 Before _____ a broken machine, make sure to disconnect it from the electricity supply.
- (A) melting (B) messing (C) mending (D) mugging
- 35 The size of the shopping mall is more _____ than huge.
- (A) gracious (B) gigantic (C) glorious (D) gorgeous
- 36 The pollutant has been found to be _____ to human health.
- (A) honorable (B) humorous (C) hazardous (D) hospitable
- 37 Many convenience stores are equipped with an Automated Teller Machine (ATM), which enables us to _____ money anytime, anywhere.
- (A) establish (B) earn (C) contribute (D) withdraw
- 38 Jane _____ her curly hair from her mother, but her dark skin came from her father's side.
- (A) altered (B) inherited (C) prevailed (D) resided
- 39 The young activist for female education noted in her speech that under no _____ should human rights be violated or sacrificed.
- (A) replacements (B) substitutions (C) circumstances (D) acknowledgements
- 40 The protester claimed that he was _____ of his basic human rights because his request to see his lawyer had been denied.
- (A) assigned (B) comprised (C) simulated (D) deprived

請依下文回答第41題至第45題：

ASMR stands for autonomous sensory meridian response. It 41 reactions you have to soft voices or soothing sounds such as whispering, tapping, scratching etc. 42, if a person starts feeling relaxed at the sound of pages in a book turning, they are experiencing ASMR. The feeling starts in the back of your head, and travels down through your spine into your limbs.

43 there isn't any relevant scientific data about ASMR to support medical claims, it is currently being used by many people to battle anxiety and sleeping disorders. It is also believed that listening to ASMR videos has a positive 44 on studying. More relaxed and focused, listeners are able to perform much better in various creative tasks.

ASMR experience is 45 to each person. Different people may prefer different sounds to trigger the feeling and relax. From the sound of tapping to the sound of cutting hair, there are thousands of possible triggers to choose from.

- | | | | |
|-------------------|----------------|----------------|----------------------|
| 41 (A)turns down | (B)looks after | (C)takes over | (D)refers to |
| 42 (A)For example | (B)In addition | (C)As a result | (D)On the other hand |
| 43 (A)Unless | (B)While | (C)If | (D)Because |
| 44 (A)legend | (B)attitude | (C)version | (D)impact |
| 45 (A)steady | (B)unique | (C)mental | (D)abstract |

請依下文回答第46題至第50題：

Even if you have not been diagnosed with a mental illness, day-to-day stresses can easily drain your life of fulfillment and contentment. Fortunately, the scientific field of so-called “positive psychology” has provided countless techniques to boost your mood.

But how do we find the time to apply them to our daily lives? Sandi Mann, a clinical psychologist at the University of Central Lancashire, offers one solution. As she outlines in her book, *Ten Minutes to Happiness*, her program takes the form of a daily journal, to be completed in five parts: what experiences, however mundane, gave you pleasure, what praise and feedback did you receive, what were your achievements, what made you feel grateful, and how did you express kindness.

The program builds on a vast amount of scientific research showing that taking a little time to reappraise your day in these ways can slowly shift your mindset so that you eventually find more happiness in your life. When we feel low, it can be easy to overlook the things that are going right, and keeping this journal brings them to the forefront of your attention.

Mann stresses that the benefits do not just come from the immediate lift as you write the entries; re-reading your previous entries can help you cope with difficult situations in the future too. Due to our “associative” memory, a dark mood – caused by one bad event – may lead you to remember other sources of stress and unhappiness. Whenever that happens, leafing through the pages of your journal may help you to break out of that **ruminative** spiral.

The last point builds on recent research into the power of kindness. Various studies have found that selfless acts not only increase the well-being of those around you, they consistently boost your own mood too. Spending a bit of money to help a stranger, for instance, makes you far happier than using the same cash to treat yourself.

A 10-minute review of your day can't work miracles, of course, and Mann stresses that anyone who suspects they may suffer from depression should still see doctors for professional medical care. But for those who generally feel low and stressed, without severe clinical symptoms, this might just help put you back on the right path.

- 46 What is the main idea of the passage?
 (A)Depression is not the end of the world. (B)A daily routine can boost your happiness.
 (C)Your inner voice leads you to a bright future. (D)No one is perfect and we all make mistakes.
- 47 According to Mann, which of the following is NOT one of the things people should review?
 (A)Their friends' achievements. (B)Their kindness to friends.
 (C)The praise they received. (D)The source of their pleasure.
- 48 What does the word “**ruminative**” in the fourth paragraph mean?
 (A)Working hard. (B)Passing quickly. (C)Changing constantly. (D)Thinking deeply.
- 49 According to the passage, which of the following statements is true?
 (A)When we feel low, we tend to forget things.
 (B)The effects of a kind act have been confirmed.
 (C)Mann's program is put forward based on her experiences.
 (D)The more money you save, the more achievements you have.
- 50 What can be inferred from the last paragraph?
 (A)The author of the passage suffers from depression.
 (B)Mann's suggestion may not solve all the emotional problems.
 (C)Too many people who feel stressed rely on medical care.
 (D)Some doctors questioned the effectiveness of Mann's program.