

113 年特種考試地方政府公務人員及 離島地區公務人員考試試題

代號：3401
頁次：6-1

考試別：地方政府公務人員考試

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答案。

(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 甲為年滿 18 歲之國民，因故未受基本教育，依憲法規定，下列敘述何者正確？
(A)甲得自由選擇是否接受基本教育 (B)甲應接受基本教育，免納學費
(C)甲應接受補習教育，免納學費 (D)甲得自行負擔學費，接受補習教育
- 2 下列何項並非直接民主之行使方式？
(A)公民投票 (B)總統選舉投票 (C)立法委員選舉投票 (D)應考試服公職
- 3 憲法第 10 條規定人民有居住、遷徙之自由，與下列何者無關？
(A)護照申請 (B)交通通行 (C)入出國境 (D)金融流通
- 4 下列何者不在憲法第 12 條秘密通訊自由保障之範圍內？
(A)書信內容不受政府機關檢閱之自由 (B)通話內容不受廉政機關竊聽之自由
(C)通訊內容不受犯罪調查機關扣押之自由 (D)包裹內容物不受海關 X 光檢驗之自由
- 5 關於我國憲法第 7 條平等權保障範圍，下列敘述何者錯誤？
(A)平等權只拘束行政與司法機關，並不拘束立法機關
(B)憲法第 7 條的男女、宗教、種族、階級、黨派屬於例示規定
(C)保障人民在法律上地位的實質平等
(D)人為不平等之消除亦屬保障範圍
- 6 依司法院釋字第 732 號解釋，捷運設施毗鄰地區土地徵收案，報請徵收交通事業所必須者以外之毗鄰地區土地所依據之法律，違反下列何種原則，而與憲法保障人民財產權及居住自由之意旨有違？
(A)信賴保護原則 (B)平等原則 (C)比例原則 (D)法律明確性原則
- 7 依司法院大法官解釋，有關婚姻，下列敘述何者錯誤？
(A)結婚與否及結婚對象之選擇，均應保障
(B)維護夫妻共同生活係國家立法或行政措施得追求之規範目的
(C)禁止同性別二人結婚，違反婚姻平等
(D)國家以刑法來維護夫妻間之忠誠義務，合憲
- 8 憲法第 52 條規定：「總統除犯內亂或外患罪外，非經罷免或解職，不受刑事上之訴究」，下列敘述何者錯誤？
(A)其並非永久豁免，僅為暫時性的程序障礙
(B)其豁免亦及於同案之共同正犯、教唆犯與幫助犯。總統並免於在追訴他人刑事案件上作證之義務
(C)此豁免權雖不得概括拋棄，但若總統自願配合其程序之進行者，應認為總統以個別證據調查行為，事實上並未造成總統尊崇與職權行使之損傷或妨礙，則並未違背憲法第 52 條
(D)總統就國家機密事項於刑事訴訟程序享有拒絕證言權
- 9 總統曾於何種情況下發布緊急命令？
(A) 2020 年 COVID-19 在國內外大流行時 (B) 2009 年八八風災後
(C) 1999 年九二一大地震後 (D) 2008 年金融海嘯時
- 10 下列何者非屬考試院掌理之職權範圍？
(A)專門職業及技術人員考試 (B)後備軍人轉任公職考試
(C)會計師考試 (D)大學入學考試

- 11 依憲法訴訟法之規定，關於審查機關之組織，下列敘述何者錯誤？
(A)「憲法法庭」由 15 名大法官組成 (B)「審查庭」由大法官 3 人組成
(C)司法院院長為憲法法庭的「審判長」 (D)審查庭「審判長」由該審查庭成員輪流擔任
- 12 關於憲法第 13 條規定之宗教信仰自由，下列敘述何者錯誤？
(A)私立學校不得辦理任何宗教活動
(B)公立學校不得為特定宗教信仰從事宣傳或活動
(C)監督寺廟條例規定寺廟處分不動產應經官署許可，違憲
(D)國家不得獎勵特定宗教
- 13 依司法院大法官解釋，關於憲法第 22 條保障之人格權，下列敘述何者正確？
(A)憲法保障原住民之個人與集體身分認同權
(B)政府主管機關對人民申請改名，不應有所限制
(C)少年法院得對經常逃學、逃家但未犯罪之虞犯少年，裁定逕施以司法矯治之感化教育
(D)子女獲知其血統來源，亦為憲法所保障之人格權，故親生父對受推定為他人之婚生子女得提起否認之訴
- 14 依憲法及增修條文之現行規定，關於行政院與立法院之關係，下列敘述何者正確？
(A)行政院院長由總統提名，並經立法院同意任命之
(B)立法委員得向行政院院長及行政院各部會首長質詢
(C)行政院之組織架構由行政院自行規範，不得以法律定之
(D)行政院對於立法院決議之法律案認有窒礙難行時，得自行移請立法院覆議
- 15 下列何種案件，憲法法庭係以具體事件或個案，而非法規範，為其審查標的？
(A)統一解釋法律及命令案件 (B)法院聲請案件
(C)立法委員聲請案件 (D)政黨違憲解散案件
- 16 有關刑法第 123 條準受賄罪之見解，下列何者錯誤？
(A)仲裁人亦為本罪之行為主體
(B)準受賄罪中「預以職務上之行為」，係指違背職務之行為。不違背職務之行為，不構成準受賄罪
(C)要求賄賂之人成為公務員後，須履行約定之職務上行為，方構成本罪
(D)行為人收取賄賂或不正利益，須與將來之職務上行為具有對價關係
- 17 關於勞工出勤紀錄，下列敘述何者錯誤？
(A)雇主應置備勞工出勤紀錄，並保存 5 年
(B)勞工向雇主申請其出勤紀錄副本或影本時，雇主不得拒絕
(C)出勤紀錄應逐日記載勞工出勤情形至小時為止
(D)出勤紀錄內記載之勞工出勤時間，推定勞工於該時間內經雇主同意而執行
- 18 關於促進性別平等之規範，下列何者不是我國憲法明文規定？
(A)各種選舉，應以法律規定婦女當選名額
(B)女性勞動者應予以特別之保護
(C)國家應保護母性，實施婦女兒童福利政策
(D)國家應保障女性在教育上享有與男性平等的權利
- 19 依憲法及司法院大法官解釋意旨，下列何機關得向立法院提出法律案？
(A)國家通訊傳播委員會 (B)中央選舉委員會
(C)中央銀行 (D)司法院
- 20 依我國刑法之規定，下列何種犯罪有處罰預備犯？
(A)肇事逃逸罪 (B)竊盜罪 (C)強盜罪 (D)使人為奴隸罪

- 21 依憲法訴訟法規定，關於憲法法庭裁判之效力，下列敘述何者錯誤？
(A)裁判，自宣示或公告之日起發生效力
(B)判決及實體裁定，有拘束各機關及人民之效力
(C)法規範憲法審查案件，經憲法法庭判決宣告違憲者，法規範溯及失效
(D)對於憲法法庭之裁判，不得聲明不服
- 22 依憲法與原住民族基本法，下列敘述何者正確？
(A)人民依各縣市政府自治規則取得之土地使用權，政府得照價收租其使用權
(B)國家對於私人財富及私營事業，認為有妨害國計民生之平衡發展者，應以法律限制之
(C)政府應寬列預算並督促公用事業機構，積極改善原住民族地區之交通運輸、郵政、電信、水利、觀光及其他公共工程，並應在各部落設置原住民族地區建設基金；其基金之運用辦法，應以法律定之
(D)政府對原住民族傳統之生物多樣性知識及智慧創作，應予保護，並促進其發展；其相關事項，另以部落法庭決議之
- 23 有關臺灣法律發展之敘述，下列何者錯誤？
(A)在原住民自治時期，有原住民法
(B)在荷西統治時期，近代西方法即被引進臺灣
(C)傳統中國法隨著漢人移民進入臺灣
(D)日本殖民統治時期，近代西方法透過日本統治者被導入臺灣
- 24 依憲法訴訟法規定，下列何種類型之案件，判決應本於言詞辯論為之？
(A)總統、副總統彈劾案件
(B)機關爭議案件
(C)裁判憲法審查案件
(D)地方自治保障案件
- 25 下列何種行政規則，應依行政程序法規定登載於政府公報發布？
(A)高雄市政府及所屬各機關員工差勤管理要點
(B)臺北市政府編制對照表
(C)編訂機關檔案保存年限區分表
(D)稅務違章案件裁罰金額或倍數參考表
- 26 民法第 222 條規定，故意或重大過失之責任，不得預先免除。依此規定，實務上認定非屬故意及重大過失責任即得預先免除。此種解釋係採取何種解釋方法？
(A)反面推論
(B)類推適用
(C)目的性限縮
(D)歷史解釋
- 27 稱合會者，謂由會首邀集二人以上為會員，互約交付會款及標取合會金之契約。下列關於合會之敘述，何者錯誤？
(A)法人不得為會員
(B)會首不得兼為同一合會之會員
(C)無行為能力人不得參加其法定代理人為會首之合會
(D)首期合會金應經投標，由得標會員取得
- 28 有關「刑」之敘述，下列何者正確？
(A)有期徒刑原則是 1 日以上 15 年以下
(B)宣告死刑或無期徒刑者，得宣告褫奪公權終身
(C)無期徒刑不得加重，亦不得減輕
(D)被宣告褫奪公權之人，雖被褫奪為公職候選人之資格，但仍有公職選舉投票權
- 29 依民法規定，下列有關拋棄繼承之敘述，何者正確？
(A)繼承之拋棄，自繼承人拋棄繼承之時起，發生效力
(B)拋棄繼承後，應以書面通知因其拋棄而應為繼承之人，不能通知者不在此限
(C)配偶與直系血親卑親屬共同繼承，而直系血親中有一人拋棄繼承權者，配偶之應繼分將不受影響
(D)拋棄繼承為要式行為，繼承人拋棄繼承時，應於知悉其得為繼承人之時起 3 個月內，以書面向其他全體繼承人、戶政機關或法院為之

- 30 有關著作權侵害之救濟，下列敘述何者正確？
(A)著作權人對於侵害其權利者，不論該行為人有無過失，均得請求排除之
(B)著作人格權被侵害時，被害人僅得請求賠償非財產上之損害，不得請求賠償財產上之損害
(C)著作財產權被侵害時，若侵害行為為故意且情節重大者，被害人得請求法院就查獲侵害著作權商品之零售單價一千五百倍以下範圍內酌定賠償額
(D)被害人得請求由侵害人負擔費用，將判決書主文登載於新聞紙，但不得請求將判決書內容之全部登載於新聞紙
- 31 The company decided to _____ the number of employees to cut costs.
(A) compete (B) declare (C) decrease (D) increase
- 32 When the ice cream truck finally arrived, the kids were all _____ to get their favorite flavors.
(A) dusty (B) eager (C) naval (D) urban
- 33 Reading stories together can _____ positive relationships between parents and children.
(A) destroy (B) destruct (C) create (D) compare
- 34 The test takers are instructed to write their names in the left _____ of the page.
(A) orbit (B) scoop (C) margin (D) panel
- 35 The prosecutor has collected conclusive proof of the suspect's _____.
(A) glance (B) care (C) guilt (D) concern

請依下文回答第 36 題至第 40 題：

Whether it was the breakup of a romantic relationship, betrayal by a person you believed to be a good friend, or a traumatic experience that rocked the ground underneath you, everyone has experienced the sick and sinking feeling a broken heart can trigger. Emotional and psychological distress can trigger the same part of the brain that responds to physical harm. That is, emotional pain is felt physically. Depending on the person, being “sick at heart” can be coupled with digestive upsets such as stomachaches and nausea. It may affect cognitive processes, leading to memory problems or difficulty expressing oneself verbally. It can affect the respiratory system and leave us struggling to catch our breath or hold our breath. The nervous system may be affected, leaving us weak in our knees or numb. Our blood pressure may rise and our heart might pound, and in some cases, a broken heart can be fatal.

Both women and men may experience broken heart syndromes, but more women are diagnosed with it than men. However, women fare better than men and have a lower mortality rate than men. It's probably because men tend to have more complications or a critical underlying issue.

There is no easy path to healing a broken heart. Bed rest and a healthy diet are recommended. What also helps us is being in the company of family and friends who accept us and love us for who we are. Self-pity isn't good, so don't waste too much time **wallowing**. Don't retreat from the world. Cocooning for a week isn't harmful; stepping out of life for a month suggests symptoms of depression that may need to be addressed with the help of a counselor. Don't waste a moment thinking about revenge. Remind yourself that living well is the best revenge, and commit yourself to moving forward without the negative energy.

- 36 Which of the following is the best title for the passage?
(A) Breaking a Heart Enhances an Ego. (B) Healing a Broken Heart Wastes Time.
(C) A Broken Heart Can Be Life-threatening. (D) Revenge Is Not the Cure for a Heartbreak.
- 37 According to the passage, which of the following is NOT a symptom of broken heart syndromes?
(A) Difficulty in breathing. (B) Low blood pressure.
(C) Weakness in knees. (D) Inability to describe feelings.

- 38 What does the word “wallowing” mean in the last paragraph?
 (A) Criticizing others. (B) Remaining sad.
 (C) Accepting an apology. (D) Exploring the unknown.
- 39 What is the tone of the author in the last paragraph?
 (A) Curious. (B) Negative. (C) Ironic. (D) Encouraging.
- 40 According to the passage, which of the following statements is true?
 (A) Being alone for a couple of days is not bad.
 (B) Forgiveness is a long and challenging journey.
 (C) The author once experienced broken heart syndromes.
 (D) More women than men died of broken heart syndromes.

請依下文回答第 41 題至第 45 題：

Most people consider decision-making a means to an end. The decision process typically follows one of two approaches. On the one hand, people may use a quick approach that involves reacting instinctively and simply going with what feels right. This is often referred to as “System 1,” “intuitive” or “gut” decision-making. On the other hand, people may use a slow, deliberate approach that includes careful consideration of all options. This is often called “System 2,” “analytical” or “head” decision-making. No matter which approach people follow, the decision-making process helps to get them where they want to be. It is a necessity, ideally resulting in a pleasant outcome.

Recent research, however, produces several surprising results. Firstly, people’s happiness ratings increased after they made a choice. It thus appeared that decision-making improved people’s moods. Additionally, the findings showed some interesting differences in the effects of intuitive gut choices and analytical head choices. The emotional boost of decision-making was greater if research participants had made their choice quickly using their gut. Also, follow-up decision records showed that people were more likely to implement a decision if they had used an intuitive approach. This led the researchers to conclude that making fast, instinctive choices was beneficial to people’s well-being. Simply put, the act of making a choice may be intrinsically pleasurable and could increase people’s well-being.

- 41 According to the passage, which of the following examples conforms to System 1?
 (A) When making decisions, I tend to give it a lot of thought.
 (B) When making decisions, I tend to ask friends for their advice.
 (C) When making decisions, I tend to follow my heart.
 (D) When making decisions, I tend to ask a fortune-teller for help.
- 42 According to the passage, which of the following is a necessity to reach a satisfactory outcome?
 (A) Ignoring the cons. (B) Decision-making processes.
 (C) Choices of the lazy approach. (D) Reaching for TV remote control.
- 43 According to the passage, which of the following statements about making a choice is true?
 (A) It is more delightful than we think. (B) It is simply like doing house chores.
 (C) It does not benefit decision-makers. (D) It requires us to keep a journal online.
- 44 According to this passage, what decision-making approach makes people happier?
 (A) Intuitive approach. (B) Analytic approach.
 (C) Rational approach. (D) Deliberate approach.
- 45 According to the passage, how can people benefit more when making a decision?
 (A) By considering all options thoroughly. (B) By following their “gut feelings.”
 (C) By collecting many options. (D) By asking a mentor for advice.

請依下文回答第 46 題至第 50 題：

The history of windmills, from ancient grain grinders to modern wind turbines, illustrates a long journey of innovation and adaptation. The earliest windmills used sturdy reed mats for blades on horizontal axes in the 600s. Starting in the 14th century, Dutch engineers utilized windpumps to reclaim land from low-lying valleys. However, the advent of the Industrial Revolution marked a decline in windmill use, as the need for more reliable energy sources grew to power the burgeoning factory system. The steam engine emerged as a pivotal invention during this era, offering the consistent power necessary for mass production.

The transition to electricity generation saw the creation of wind turbines in Europe and North America, with the first wind turbine lighting up James Blyth's home in Scotland in 1887 and the first grid-connected turbine in Vermont in 1941. Despite their potential, wind energy became overshadowed by fossil fuels due to their reliability and abundance. Yet, the Oil Crisis of the 1970s, alongside environmental concerns, reignited interest in wind as a **sustainable** energy source, leading to the establishment of the world's first wind farm in New Hampshire. Currently, wind farms are a common sight in various locales, from the U.S. Midwest's agricultural landscapes to California's Alta Wind Energy Center, the nation's largest wind farm. Internationally, Brazil, Russia, India, and China are rapidly expanding their wind energy capacity, with China's Gansu Wind Farm set to produce an impressive 20,000 megawatts. Likewise, developing regions in Africa and Southeast Asia are investing in wind technology, with Kenya's Lake Turkana Wind Power project poised to supply electricity to countless homes and businesses. This evolution from traditional windmills to contemporary wind farms underscores a global shift towards renewable energy, highlighting wind power's significant role in meeting modern energy demands while addressing environmental challenges.

- 46 Which of the following best describes the main idea of the passage?
- (A) The decline of windmills due to industrialization.
(B) The uses of windmills over time across the world.
(C) The invention of the steam engine and its effects on windmills.
(D) The modern significance of windmills and wind turbines.
- 47 According to the passage, what caused the decline in the use of traditional windmills during the Industrial Revolution?
- (A) The widespread occurrence of flooding. (B) The creation of the first wind turbine.
(C) The increase in environmental consciousness. (D) The development of steam-powered machinery.
- 48 What was the primary purpose of the earliest windmills?
- (A) Grinding grain. (B) Pumping water.
(C) Generating electricity. (D) Producing steam power.
- 49 According to the passage, what was the effect of the Oil Crisis of the 1970s on people's perception of wind energy?
- (A) It renewed enthusiasm for wind power as a renewable resource.
(B) It decreased popularity and acceptance of wind energy.
(C) It discontinued existing wind energy initiatives.
(D) It exerted no influence on the development of wind energy.
- 50 Which of the following is closest in meaning to "sustainable" in this passage?
- (A) Lacking. (B) Equivalent. (C) Specific. (D) Lasting.