

111 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答案。

(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 依司法院釋字第 749 號解釋，有關道路交通管理處罰條例第 37 條第 3 項規定犯特定之罪者，吊銷其計程車駕駛執照之規定，下列敘述何者錯誤？
(A)侵害憲法第 15 條保障之財產權 (B)侵害憲法第 22 條保障之一般行為自由
(C)侵害憲法第 15 條保障之工作權 (D)涉及計程車駕駛人主觀資格要件之限制
- 2 有關憲法基本國策規定效力之敘述，下列何者正確？
(A)基本國策規定一律具有強制效力 (B)基本國策規定都只是建議性質，不具拘束力
(C)基本國策規定之效力，屬於立法形成自由 (D)基本國策規定之效力，應視規範事務之內容而定
- 3 依司法院釋字第 461 號解釋，下列何者得拒絕至立法院委員會備詢？
(A)國防大學校長 (B)內政部次長 (C)參謀總長 (D)監察院院長
- 4 關於民主國原則，下列敘述何者錯誤？
(A)為保障少數，應施行政黨比例代表制
(B)常以多數決為決定程序
(C)保障政治言論與活動自由，具有使今日少數得以成為明日多數之功能
(D)國家主權屬於國民全體
- 5 依司法院釋字第 490 號解釋，有關宗教信仰自由，下列敘述何者錯誤？
(A)宗教信仰之自由，受憲法之保障，亦同受憲法之規範
(B)宗教信仰之自由保障範圍包含內在信仰之自由，應受絕對之保障
(C)宗教信仰之自由保障範圍包含宗教行為之自由，應受絕對之保障
(D)宗教信仰之自由保障範圍包含宗教結社之自由，僅能受相對之保障
- 6 有關集會遊行，下列敘述何者錯誤？
(A)室外集會遊行，應一律事先申請
(B)對集會自由的限制，須符合法律保留及比例原則
(C)立法者對集會時間、地點及方式之限制，原則上屬立法自由形成之範圍
(D)禁制區內得禁止集會遊行
- 7 司法院釋字第 694 號解釋認為，舊所得稅法規定，納稅義務人其他親屬或家屬，未滿 20 歲或滿 60 歲以上無謀生能力，確係受納稅義務人扶養者，始得列為其個人綜合所得額之免稅額之規定，係違反下列何種基本權？
(A)工作權 (B)平等權 (C)財產權 (D)生存權
- 8 納稅者權利保護法第 4 條規定，納稅者為維持自己符合人性尊嚴之基本生活所需費用，不得加以課稅。此係基於何種憲法權利保障？
(A)工作權 (B)財產權 (C)生存權 (D)契約自由
- 9 依憲法規定及司法院大法官解釋，有關國民教育，下列敘述何者正確？
(A)受國民教育並非人民之權利
(B)受國民教育之義務侵害了父母對子女保護教養之權利
(C)人民受國民教育以外教育之權利，為憲法第 22 條所保障
(D)受國民教育以外教育之權利，包括賦予人民請求給予入學許可之權利
- 10 依據我國歷來大法官解釋見解，下列何者不屬於比例原則的操作？
(A)施以強制治療，乃侵害最小之不得已方法
(B)系爭規定之意義於個案中並非不能經由適當組成之機構依其專業知識加以認定及判斷，且最終可由司法審查予以確認
(C)基於損益相稱之要求，立法者應於社會大眾安全需求之維護，與人身自由等自由權所蒙受之限制間，謀求最大可能之均衡
(D)立法者所採取之手段，就目的之達成言，尚非必要

- 11 根據我國憲法之規定，關於總統之刑事豁免權，下列敘述何者正確？
(A)國家元首之刑事豁免權是絕對豁免，不只包括刑法上之罪，而且包括私法上之侵權行為損害賠償均豁免
(B)國家元首之刑事豁免權是絕對豁免，不只在職期間之總統享有刑事豁免，包括已下台之總統仍受到豁免之保障
(C)總統在位期間只有外患罪與內亂罪才受到豁免保障，其他犯罪比如殺人罪，仍可受到刑事追訴
(D)總統在位期間之刑事豁免權不及於在他人之案件擔任證人作證之義務
- 12 依據現行有效之憲法規定，行政院副院長何時得暫行代理行政院院長？
(A)行政院院長出缺或辭職，總統未任命行政院院長前
(B)行政院院長人選未經過立法院同意前
(C)立法院休會期間，總統尚未召集立法院會議，審議新任行政院院長人選前
(D)行政院院長生病請假時
- 13 依憲法訴訟法規定，下列何者不具備憲法訴訟聲請人之資格？
(A)總統 (B)政黨
(C)直轄市山地原住民區長 (D)法院
- 14 依憲法及增修條文規定，關於立法委員不受逮捕特權，下列敘述何者錯誤？
(A)立法委員所享有之不受逮捕權，不限於立法院會期中
(B)主要係指刑事犯罪案件之逮捕拘禁
(C)立法委員不受逮捕特權，縱經拋棄，亦屬無效
(D)立法委員於會期開始前或會期中被逮捕，經立法院請求，逮捕、拘禁機關應立即予以釋放
- 15 臺南市議會通過自治條例且經臺南市政府公布，內政部認為該自治條例牴觸中央法規，因此由行政院函告無效。依憲法訴訟法規定，下列敘述何者正確？
(A)由臺南市依憲法訴訟法第 83 條聲請判決
(B)由臺南市議會逕依地方制度法第 30 條第 5 項聲請釋憲
(C)由臺南市政府聲請統一解釋
(D)由臺南市政府逕依地方制度法第 30 條第 5 項聲請釋憲
- 16 下列那一個法規範的效力位階最高？
(A)臺北市外送平台業者管理自治條例 (B)勞工教育實施辦法
(C)新北市公園管理辦法 (D)道路交通管理處罰條例
- 17 有關我國民法之發展，下列敘述何者錯誤？
(A)民法典主要以歐陸法、特別是德國法為範本 (B)民法典有在地化之趨勢
(C)對美國法的繼受為特別民法特色之一 (D)民法之變遷與釋憲實務並無關聯
- 18 下列何種法規的位階最高？
(A)自治條例 (B)自治規則 (C)委辦規則 (D)基於法律授權之法規
- 19 依司法院大法官解釋，下列何者不涉及信賴保護問題？
(A)行政機關撤銷授予利益之行政處分 (B)行政機關因事實變更而廢止授予利益之行政處分
(C)行政法規因明顯違反上位規範而停止適用 (D)因公益之必要而廢止行政法規
- 20 司法院釋字第 697 號解釋將膠原蛋白燕窩飲料，認定屬於貨物稅條例所說的清涼飲料。由法學方法論的角度來看，由於膠原蛋白燕窩飲料遠比一般果汁等清涼飲料更為昂貴，立法者既已針對一般清涼飲料課徵貨物稅，依據量能課稅原則，自然可以課徵膠原蛋白燕窩飲料貨物稅，係屬下列何種法學方法？
(A)文義解釋 (B)體系解釋 (C)目的性限縮 (D)目的性擴張
- 21 依我國司法實務見解，人民須繳清交通違規罰鍰始得換發汽車行車執照，係違反下列何種法律原則？
(A)行政自我拘束原則 (B)不當聯結禁止原則 (C)權力分立原則 (D)信賴保護原則
- 22 下列關於緩刑之敘述，何者錯誤？
(A)緩刑期間至裁判確定之日起算 (B)緩刑期間不得超過 5 年
(C)須受 5 年以下有期徒刑、拘役或罰金之宣告 (D)緩刑之效力不及於從刑、保安處分及沒收之宣告
- 23 警察甲於執行臨檢勤務時藉職務之便，毆打仇人乙成傷。甲之刑事責任為何？
(A)刑法第 302 條之私行拘禁罪，並依刑法第 134 條加重其刑
(B)刑法第 126 條之凌虐人犯罪
(C)刑法第 277 條之傷害罪，並依刑法第 134 條加重其刑
(D)刑法第 125 條之濫權追訴處罰罪
- 24 甲為受僱於乙新聞社的攝影記者，負責拍攝照片供報導使用，且甲乙間並未以契約約定職務上著作之權利歸屬。有關甲於職務上所完成之攝影著作，下列敘述何者正確？
(A)應以甲為著作人，並且享有著作財產權 (B)應以甲為著作人，但著作財產權歸乙享有
(C)應以乙為著作人，並且享有著作財產權 (D)應以乙為著作人，但著作財產權歸甲享有

- 25 當勞工遭遇職業傷害，關於勞動基準法第 59 條之職業災害補償責任和勞工保險職業災害給付之關係，下列敘述何者正確？
(A) 勞動基準法職災補償跟勞保給付只能擇一領取，不能一事兩賠
(B) 領了勞工保險職災給付，即排除勞動基準法第 59 條職災補償之適用
(C) 雇主得主張抵充勞工保險已經給付之部分
(D) 兩種給付可以一起領取，不得主張抵充
- 26 有關「法規施行」，下列敘述何者正確？
(A) 法律之施行日期，不得授權以命令定之
(B) 法規明定自發布日施行者，自發布之日起算至第 3 日起發生效力
(C) 法規特定有施行日期者，自該特定日起算至第 3 日起發生效力
(D) 法律之施行區域，不得授權以命令特定之
- 27 稱合會者，謂由會首邀集 2 人以上為會員，互約交付會款及標取合會金之契約。關於合會之敘述，下列何者錯誤？
(A) 合會之會首及會員，以自然人為限
(B) 會首不得兼為同一合會之會員
(C) 首期與各期合會金，均由得標會員取得
(D) 會員非經會首及會員全體之同意，不得退會
- 28 依司法院大法官解釋意旨，下列敘述何者正確？
(A) 給付行政措施，並無法律保留原則之適用
(B) 給付行政措施，僅須預算之授權即可為之
(C) 涉及公共利益重大事項的給付行政措施，僅得以法律為依據
(D) 涉及人民基本權利保障重大事項的給付行政措施，原則上仍應有法律或法律明確授權為依據
- 29 下列何者非法律所列舉之裁判離婚事由？
(A) 夫妻之一方與配偶以外之人合意性交
(B) 夫妻之一方對他方為不堪同居之虐待
(C) 夫妻一方之旁系親屬對他方為虐待，致不堪為共同生活
(D) 夫妻之一方有重大不治之精神病
- 30 下列何者非我國現行民法規定之夫妻財產制？
(A) 法定財產制 (B) 共同財產制 (C) 聯合財產制 (D) 分別財產制
- 31 Do not open any message with an attachment entitled "POSTCARD," _____ whoever sent it to you. It is a virus which opens A POSTCARD IMAGE, which "burns" the whole hard disc C of your computer.
(A) instead of (B) in relation to (C) regardless of (D) in terms of
- 32 Due to global warming, a consistent pattern of _____ of ice wall in Arctic is observed.
(A) reception (B) recession (C) recognition (D) recreation
- 33 More and more TV channels with the proliferation of shouting-match political talk shows make voters _____ by irrationality during an election season.
(A) fueled (B) visualized (C) fulfilled (D) verified
- 34 The employer was forced to negotiate with their employees for a 7-day strike, _____ he expected the negative impact of this incident.
(A) as if (B) despite that (C) so that (D) what if
- 35 An ideal meal should _____ of some combination of meat, rice, beans and vegetables. Just eating one of them is not healthy.
(A) regard (B) locate (C) accuse (D) consist
- 36 Ivan was lucky enough to be granted the _____ of dining with the superstar in a fancy restaurant.
(A) dignity (B) attendance (C) privilege (D) submission
- 37 In today's global economy, a second language may _____ you with the ability to understand the way business is done overseas and maximize your potential.
(A) equip (B) evade (C) erupt (D) exert
- 38 For this examination, the first part was easy, _____ the second part was extremely challenging.
(A) whereas (B) whether (C) meanwhile (D) hence
- 39 The instant noodle does not look particularly good, but the advertiser makes it look quite _____ on the TV commercial.
(A) attractive (B) equal (C) individual (D) obvious
- 40 Many university graduates prefer employment in the government to that in the private _____.
(A) compartments (B) eras (C) partitions (D) sectors

請依下文回答第 41 題至第 45 題：

We live a fast-paced life. Everything happens quickly nowadays, and efficiency is the key theme of our society. Email has replaced the paper letter. Words flow from our fingertips faster than ever before, but not everyone is happy about it. Some people prefer writing slowly. Tom Hanks, American actor, director, filmmaker, and collector of more than 100 typewriters, is one of them. The 58-year-old Oscar winner is 41 the sound his typewriters make. He can choose from a variety of them, each of which 42 its own sound. The volume and rhythm are determined by the force with which the fingers hit the keys. The collecting process itself, hunting and searching for rare pieces, is also a great pleasure. The 43, however, is often tied to the price tag. Some vintage typewriters cost hundreds of dollars or more. Luckily his acting career is lucrative enough to pay for his hobby. Tom Hanks is not alone. More and more young people are tired of digital technology and looking for a better experience of writing. They enjoy typing because they can focus on thinking; they would not be 44 by email, googling, or Facebook. 45, typewriters are entirely powered by your fingertips. They do not require electricity, so you can gracefully carry on writing in a sudden power outage.

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|----|------------------|----------------|------------------|---------------------|
| 41 | (A) attending to | (B) weary of | (C) insisting on | (D) fascinated with |
| 42 | (A) produces | (B) reduces | (C) excludes | (D) includes |
| 43 | (A) ignorance | (B) advantage | (C) sorrow | (D) reward |
| 44 | (A) enlightened | (B) stimulated | (C) abolished | (D) distracted |
| 45 | (A) By accident | (B) Better yet | (C) For starters | (D) In short |

請依下文回答第 46 題至第 50 題：

Scientists say it could take at least 1,500 years before humans make contact with species of aliens, or for them to communicate with or find us. Astronomers from Cornell University in the USA combined two existing theories about the possibility of life existing on other planets to form a new equation. One of these theories is the Fermi Paradox described by physicist Enrico Fermi in 1950. This states that while billions of Earth-like planets exist in our galaxy, not one has made contact with Earth yet. The other is the mediocrity principle, which suggests that because there is life on Earth, it will typically exist on Earth-like planets throughout the universe.

Study author Evan Solomonides will soon present a research paper on his theory. He said, “We haven’t heard from aliens yet, as space is a big place, but that doesn’t mean no one is out there.” According to Solomonides, extraterrestrials could have received signals from Earth. However, he proposes that ET would not have been able to decipher them. He said they would need to decode the light waves into sounds and analyze 3,000 human languages to understand any messages. He said that signals from Earth have only reached about 8,500 stars and that the Milky Way galaxy alone contains 200 billion stars. He added, “If we stop listening or looking, we may miss the signals. So we should keep looking.”

- 46 According to the passage, what might be preventing extraterrestrials from approaching Earth any time soon?
- (A) The difficulty in deciphering human languages.
(B) The long histories of 200 billion stars.
(C) The similarity among human and alien species.
(D) The number of planets in the Milky Way galaxy.
- 47 According to the passage, which of the following hypotheses is made by scientists from Cornell University?
- (A) The mediocrity principle rules out the possibility of life forms on other planets.
(B) Aliens from Earth-like planets might use light waves to communicate.
(C) Extraterrestrials from 8,500 planets might have translated signals from Earth.
(D) Aliens might need to interpret about 3,000 languages to understand Earth.
- 48 According to the passage, what does the word “paradox” in the Fermi Paradox imply?
- (A) An observation based on coherent evidence.
(B) A theory based on contradictory statements.
(C) A conclusion based on extraterrestrial correspondences.
(D) A hypothesis based on mediocre calculations.
- 49 What could be the central message of the passage?
- (A) Still more attempts need to be made to reach out to other planets in the Milky Way galaxy.
(B) Cornell astronomers might propose new forms of communication in our galaxy.
(C) Extraterrestrials from 8,500 stars might be speaking similar languages to those on Earth.
(D) Evan Solomonides will soon propose a theory to challenge the possibility of life on other planets.
- 50 What might be the most suitable title for this passage?
- (A) The Scientific Methods of Extraterrestrial Communication
(B) The Aliens Are Decoding and Analyzing Human Languages
(C) We May Not Meet Extraterrestrials Until Beyond the Year 3500
(D) The Quantity of Our Galaxy Hinders Reception of Human Signals