

101年公務人員特種考試外交領事人員外交行政人員考試、101年公務人員特種考試國際經濟商務人員考試、101年公務人員特種考試法務部調查局調查人員考試、101年公務人員特種考試國家安全局國家安全情報人員考試、101年公務人員特種考試民航人員考試、101年公務人員特種考試經濟部專利商標審查人員考試試題

考 試 別：調查人員、國家安全情報人員、專利商標審查人員

等 別：三等考試

類 科 組：各組、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 下列何者不屬於民主國原則之必要內涵？
(A)國民主權原則 (B)民意代表應有刑事豁免權
(C)責任政治原則 (D)服從多數，尊重少數
- 2 依憲法本文中有關中央與地方權限之設計，如屬縣立法並執行之事項，而涉及二縣以上者，則應如何辦理？
(A)原則上由有關各縣共同辦理 (B)呈報中央協調其中一縣辦理
(C)原則上由省統一辦理 (D)呈報省協調其中一縣辦理
- 3 依據憲法第 108 條規定，有關文化之古籍、古物及古蹟之保存，係屬於政府何種類型之權限？
(A)中央立法並執行之事項 (B)中央立法並執行或由省縣執行之事項
(C)省立法並執行或交由縣執行之事項 (D)縣立法並執行之事項
- 4 依憲法增修條文第 10 條第 6 項之規定，國家應消除性別歧視，下列何者主要是在防治校園中的性別歧視現象？
(A)性別平等教育法 (B)性別工作平等法 (C)家庭暴力防治法 (D)性侵害犯罪防治法
- 5 國立大學以學習成績不及格比例達法定標準將學生退學，係依據下列何項原則所為？
(A)民主原則 (B)民生福利國原則 (C)共和原則 (D)大學自治原則
- 6 關於平等原則之內容，下列敘述，何者正確？
(A)平等不容許任何之差別待遇 (B)機械平等是平等原則的內涵
(C)平等並不禁止恣意的差別待遇 (D)平等原則旨在保障實質平等
- 7 我國某私人公司將女性受僱人於任職中結婚即應辭職之條款列入僱傭契約中，某女性受僱人認其規定違反平等原則且侵害其工作權及結婚與否之自由權，向民事法院提起訴訟。民事法院對其基本權利之主張如何考量？
(A)不能考慮，因為民法和憲法係不同領域，不能相互採納
(B)可以運用私法中之概括條款將基本權利解釋進入民事關係中，間接適用之
(C)須經過上級法院指示後才能決定如何處理
(D)須聲請大法官解釋後才可接受
- 8 以繪畫之方式呈現心中之想法，屬於憲法所保障的何種權利之範疇？
(A)集會自由 (B)結社自由 (C)宗教自由 (D)言論自由
- 9 依據地方制度法第 17 條規定，下列何者為直轄市民、縣（市）民、鄉（鎮、市）民之義務？
(A)參加地方警衛隊 (B)捐助地方慈善機關
(C)繳納自治稅捐之義務 (D)協助地方團練或參加義勇消防隊
- 10 司法院大法官釋字第 463 號解釋認定憲法增修條文第 10 條第 10 項所定教育、科學、文化之預算數額、所占預算總額之比例、編列方式、歸屬範圍等問題，由下列何者決定？
(A)中央行政主管機關 (B)立法院 (C)司法院大法官 (D)地方自治團體
- 11 依司法院大法官解釋，下列何者並非憲法中具有本質重要性而為規範秩序存立之基礎，得由修憲者予以修改？
(A)國民主權原則 (B)民主共和國原則
(C)權力分立及制衡之原則 (D)普通法院及行政法院二元訴訟制度

- 12 下列何者屬於憲法上隱私權之保障範圍？
(A)專利權 (B)商標專用權 (C)指紋 (D)商業廣告
- 13 下列有關基本人權之敘述，何者錯誤？
(A)軍人對長官應絕對服從，不得主張基本人權 (B)兒童應受監護，但仍有基本人權
(C)植物人雖無意識，仍有基本人權 (D)公務員雖應依法行政，仍有基本人權
- 14 依據司法院大法官解釋，人民職業選擇自由，其憲法之依據為何？
(A)憲法第 15 條之生存權 (B)憲法第 22 條非列舉權利
(C)憲法第 7 條平等權 (D)憲法第 15 條之工作權
- 15 公有公共設施因設置或管理有欠缺，致人民生命、身體或財產受損害者，國家是否應負損害賠償責任？
(A)設置或管理有欠缺係基於公務員之故意者，始負賠償責任
(B)設置或管理有欠缺係基於公務員之故意或過失者，始負賠償責任
(C)設置或管理有欠缺係基於公務員有重大過失者，始負賠償責任
(D)公務員對於公有公共設施設置或管理有欠缺，雖無故意或過失，亦應負賠償責任
- 16 關於性別工作平等會之組織方式的敘述，以下何者正確？
(A)性別工作平等會應置委員六人至十二人
(B)性別工作平等會應由具備勞工事務、性別問題之相關學識經驗或法律專業人士擔任之
(C)女性委員人數應占全體委員人數三分之一以上
(D)性別工作平等會之委員任期三年
- 17 勞動基準法未規定下列何一週期之變形工時？
(A) 2 週 (B) 4 週 (C) 6 週 (D) 8 週
- 18 下列何種情形推定著作人同意公開發表其著作？
(A)著作人重製自己之著作 (B)著作人之博士論文，而著作人已取得學位者
(C)著作人毀棄自己之著作 (D)著作人將著作出借親友欣賞
- 19 A 股份有限公司持有 B 股份有限公司已發行有表決權股份數之百分之五十五。下列敘述，何者錯誤？
(A) A 公司與 B 公司為控制與從屬公司 (B) B 公司不得買進 A 公司股份
(C) A 公司持有 B 公司之股份無表決權 (D) B 公司持有 A 公司之股份無表決權
- 20 依據刑法第 36 條之規定，褫奪公權者，褫奪下列那一種資格？
(A)為公務員之資格 (B)行使選舉權之資格 (C)行使罷免權之資格 (D)應考試之資格
- 21 下列何者不具有權利能力？
(A)未滿 7 歲之未成年人 (B)社團法人 (C)財團法人 (D)法人之董事會
- 22 下列何者非屬抵押權之標的物？
(A)抵押物之從物 (B)抵押物之從權利
(C)抵押物滅失之殘餘物 (D)扣押前已從抵押物分離之天然孳息
- 23 建築商人甲，建造房屋出售予乙，其不動產之代價請求權，消滅時效期間為：
(A) 15 年 (B) 5 年 (C) 2 年 (D) 1 年
- 24 當事人約定債務人於債務不履行時，應支付一定金額，稱為：
(A)違約金 (B)保險金 (C)定金 (D)終身定期金
- 25 下列那一個法規居於最高之位階？
(A)中央統籌分配稅款分配辦法 (B)基隆市娛樂稅徵收率自治條例
(C)基隆市娛樂稅徵收細則 (D)地方稅法通則
- 26 依行政程序法第 10 條之規定，行政機關行使裁量權，下列敘述何者正確？
(A)若違規情節嚴重，行政機關一律得以法定罰鍰最高額加倍處罰，無須特別規定
(B)不得逾越法定之裁量範圍，並應符合法規授權之目的
(C)無須完全與法規授權目的相符，但不得逾越法定之裁量範圍
(D)若無特別規定，仍得逾越法定之裁量範圍，但不得超出法規授權之目的
- 27 財政部中華民國 96 年 6 月 14 日台財稅字第 09604501870 號令釋示：「一、貨物稅條例第十一條第一項第二款規定之彩色電視機須同時具備彩色顯示器及電視調諧器二大主要部分。」司法院大法官釋字第 698 號解釋認為財政部「未不當擴張應稅貨物之定義」，司法院大法官釋字第 698 號解釋使用之法律解釋方法為：
(A)歷史解釋 (B)文義解釋 (C)科學解釋 (D)理性解釋

- 28 中央法規標準法第 21 條有關法規廢止的原因，下列敘述何者錯誤？
(A)機關裁併，有關法規無保留之必要者
(B)同一事項已定有新法規，並公布施行者
(C)同一事項規定於二種以上之法規，無分別存在之必要者
(D)法規規定之事項已執行完畢者
- 29 臺灣現行的西式司法制度的根基，係肇建於何段時期？
(A)荷蘭與鄭氏政權統治時期 (B)甲午戰爭前清朝統治時期
(C)二次戰前日本統治時期 (D)二次戰後國民政府統治時期
- 30 公務員執行職務，行使公權力，因故意或過失不法侵害人民之自由或權利，因此被害人民所提起之損害賠償訴訟，應由何機關管轄？
(A)普通法院 (B)行政法院 (C)司法院大法官 (D)法務部
- 31 Many people _____ their true feelings in order to keep peace with others. As a result, they settled for a mediocre existence.
(A) announced (B) enunciated (C) perpetuated (D) suppressed
- 32 Though Hong Kong reverted to Chinese _____ in 1997, a border still runs between the territory and mainland China.
(A) autonomy (B) bureaucracy (C) plutocracy (D) sovereignty
- 33 Heavy rain persisted and further _____ the road conditions of the disaster areas hard hit by the devastating typhoon.
(A) aggravated (B) extinguished (C) fusilladed (D) pasteurized
- 34 Carbon dioxide from the human burning of fossil fuel is building up in the atmosphere at a _____ pace, enough to double the present concentration in a century.
(A) shuffling (B) chasing (C) dragging (D) frightening
- 35 Jack started a _____ body building program, which involved four hours of weight training, jogging, and swimming every other day.
(A) brittle (B) fluvial (C) jocular (D) rigorous
- 36 I was granted two days' sick-leave because I had _____ headache, running nose, and fever.
(A) digressive (B) exotic (C) excruciating (D) defective
- 37 Everest has its immense psychic gravity that pulls people into its orbit.
(A) Being immense, Everest has enough power to stabilize people's life.
(B) People need to know the psychic power to find the orbit to reach Everest.
(C) Only people who are in the orbit are aware of Everest's psychic gravity.
(D) Everest possesses an enormous charm that invites people to visit it.
- 38 Just as technology helped create the attention deficit generation, technology is also providing ways of coping with fragmented lives.
(A) Interrupting people too frequently, technology also allows people to regain their attention to find back their lives.
(B) Damaging people's attention capacity, technology also enables people to pay better attention to pieces of their lives.
(C) Shortening people's attention span, technology also provides people with means to tear apart their lives.
(D) Causing people to become less focused, technology also empowers people to attend to their frequently interrupted lives.
- 39 A decade after its first film debut, the final chapter of the *Harry Potter* saga has broken box-office records.
(A) The first film in the series is the best all-time performer at the box office.
(B) The last *Harry Potter* movie continued to surpass its own previous records.
(C) It took a decade for the final chapter of the saga to turn into a franchise success.
(D) By breaking box-office records with the first film debut, the movie *Harry Potter* was overrated.
- 40 In order to keep ourselves composed, we should let go of the belief that people are entitled to let out their emotions in all circumstances.
(A) We've been taught to believe that it's inappropriate to let out our emotions.
(B) Letting go of the uncontrollable things in our life helps us to keep our composure.
(C) The right time to let out our emotions is when we know we have the right to do so.
(D) To remain composed, we need to know the right time and place to let out our emotions.

- 41 The description of these events in the article corresponds closely to other accounts reported on the news.
 (A) What is written about the events in the article is highly related to what is written on the news.
 (B) The description of the incidents in the article is in contrast to something that's reported on the news.
 (C) The paper carefully describes the events that happened before and were reported on the news.
 (D) People who describe those events write a letter directly to those who report the news.
- 42 The crowd gathering in the square gave a _____ cheer when the news was announced that an agreement had been reached.
 (A) prospective (B) controversial (C) spontaneous (D) transparent

請依下文回答第 43 題至第 47 題

The drug Ecstasy or "E" is an amphetamine, which comes in a pill or tablet form. If you take an E, you might experience a general state of euphoria, 43 increased sensitivity to touch, taste, and color and raised confidence. At higher doses, a user can also experience sudden feelings of panic, depression, confusion, and anxiety. Ecstasy is often termed the "love drug" or "hug drug" because it 44 feelings of heightened sensuality. Translation: you will be loving everyone you meet. This is dangerous 45 it may lead you to trust people you have only just met. Ecstasy users can suffer severe dehydration from dancing for hours and not noticing their fatigue. Other physical 46 of a pill include: sweating, teeth grinding, blurred vision, nausea and cramping. The street quality of Ecstasy can never be 47. The reality is that you could have a deadly reaction. If you or one of your friends starts vomiting or loses consciousness after taking a pill, stay calm and call an ambulance or go to the hospital straight away.

- 43 (A) included (B) including (C) inclusive (D) to include
 44 (A) trifles (B) tricks (C) trickles (D) triggers
 45 (A) as (B) but (C) yet (D) or
 46 (A) attractions (B) defects (C) effects (D) affections
 47 (A) qualified (B) gratified (C) guaranteed (D) quarantined

請依下文回答第 48 題至第 50 題

Georgia O'Keeffe's belief that she could become a famous artist was rare among women of her time. She was born in 1887 and at that time it was accepted that woman art students would become teachers. Actually, O'Keeffe did take a job as an art instructor after her studies in New York. In 1918 she moved to New York, where her work was already starting to be noticed. In just a few years she was praised as the greatest woman artist of her time, the first woman artist to excel in America at a time when most artists were men. She painted in bright colors and a modern style and became more famous every day. But she was still different. She wore men's clothes and long black dresses. She did not talk much. When she did, she was often angry. It was the only way she knew how to express herself, other than through the art. In 1946, O'Keeffe moved to New Mexico. She lived in an *adobe* house in a tiny village called Abiquiu, at the end of 20 miles of dirt road. It had spectacular views of the New Mexico landscape, of the mountains and valleys, of sunrises and sunsets. It was here that Georgia O'Keeffe lived an isolated life for the next 30 years and produced her greatest works of art. She became the best-known American woman artist of the 20th century, more famous than even she had ever imagined.

- 48 According to the passage, how was O'Keeffe very different from ordinary women?
 (A) She wore men's clothes and long black dresses. (B) She loved teaching.
 (C) She liked to talk. (D) She lived in New York.
- 49 How old was O'Keeffe when she died?
 (A) 78 years old (B) 80 years old (C) 89 years old (D) 64 years old
- 50 Which of the following statements is NOT true?
 (A) O'Keeffe moved to New York in 1918.
 (B) O'Keeffe was not famous when she was alive.
 (C) O'Keeffe painted in bright colors and a modern style.
 (D) O'Keeffe lived in New Mexico for 30 years.