

104年公務人員特種考試警察人員、一般警察人員考試及104年  
特種考試交通事業鐵路人員、退除役軍人轉任公務人員考試試題

等 別：三等一般警察人員考試、高員三級鐵路人員考試、三等退除役軍人轉任考試

類 科 別：各類別、各類科

科 目：法學知識與英文（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 有關國家對於地方自治監督之敘述，下列何者正確？  
(A)國家對於地方自治團體辦理自治事項得進行合目的性監督  
(B)國家對於地方自治團體辦理自治事項僅得進行合法性監督  
(C)國家對於地方自治團體辦理自治事項不得進行監督  
(D)國家對於地方自治團體辦理自治事項得進行合法性與合目的性監督
- 2 下列何者並非地方立法機關之成員？  
(A)縣議員 (B)市議員 (C)省諮議會諮議員 (D)鎮民代表會代表
- 3 依憲法增修條文，憲法修正案由下列何者提出？  
(A)總統 (B)立法院 (C)監察院 (D)司法院
- 4 下列何者不構成對於宗教信仰自由之侵害？  
(A)禁止公權力機關為特定宗教宣傳 (B)禁止於捷運站內傳教  
(C)指定浴佛節為國定假日 (D)舉行戶外宗教慶典需先經許可
- 5 依司法院大法官解釋，下列何者不構成對於服公職權利之侵害？  
(A)令法官免兼庭長之人事行政行為  
(B)公務人員之任用，經人事主管機關任用審查，認為不合格  
(C)對於公務人員之減俸處分  
(D)將公務人員考評為丁等之決定
- 6 依憲法第 136 條規定，複決權之行使，以下列何者定之？  
(A)憲法 (B)法律 (C)命令 (D)緊急命令
- 7 下列何者非憲法規定之選舉原則？  
(A)平等原則 (B)直接原則 (C)記名原則 (D)普通原則
- 8 下列何種人員不適用罷免之規定？  
(A)總統 (B)全國不分區選出之立法委員當選人  
(C)依選舉區選舉之立法委員 (D)直轄市市長
- 9 依憲法增修條文第 3 條之規定，行政院院長如何產生？  
(A)由立法委員選舉多數黨黨魁擔任行政院院長 (B)總統提名交付立法院行使同意權  
(C)總統提名交由全民投票公決 (D)逕由總統任命
- 10 內政部部长之產生方式為：  
(A)由總統提名，經立法院同意任命之 (B)由立法院提名，總統同意任命之  
(C)由總統提名，經監察院同意任命之 (D)由行政院院長提請總統任命之
- 11 根據憲法增修條文的規定，下列何者的人事同意權屬於立法院？  
(A)行政院院長 (B)行政院各部會首長  
(C)行政院不管部會之政務委員 (D)考試委員
- 12 有關立法院之地位，下列敘述何者錯誤？  
(A)立法院為國家最高立法機關 (B)國家立法權交由立法院行使  
(C)縣市議會為立法院所屬立法機關 (D)立法院由立法委員組成
- 13 公務員懲戒委員會隸屬於：  
(A)行政院 (B)考試院 (C)監察院 (D)司法院

- 14 大法官審理案件之迴避，準用下列何者之規定？  
(A)行政訴訟法 (B)刑事訴訟法 (C)行政程序法 (D)民事訴訟法
- 15 審計長應於行政院提出決算後三個月內，依法完成其審核，並向何者提出審核報告？  
(A)監察院 (B)司法院 (C)行政院 (D)立法院
- 16 集會遊行法若禁止「主張共產主義或分裂國土」之遊行申請，違反憲法保障何項自由之意旨？  
(A)居住遷徙自由 (B)表現自由 (C)秘密通訊自由 (D)工作、營業自由
- 17 依中央法規標準法，法規定有施行期限者，關於該種法規之廢止，下列敘述何者正確？  
(A)期滿一個月後廢止 (B)期滿當然廢止  
(C)期滿三日後廢止 (D)期滿後須經立法院通過以及總統公布，始為廢止
- 18 依司法院釋字第 364 號解釋，「接近使用媒體權」係屬於憲法下列何種自由權利？  
(A)言論自由 (B)隱私權 (C)財產權 (D)人格權
- 19 下列關於不作為犯之敘述，何者錯誤？  
(A)不純正不作為犯所抵觸者，係禁止規範  
(B)在犯罪成立上，僅不純正不作為犯須檢驗保證人地位  
(C)保證人地位之來源，可就法律之精神而為觀察  
(D)僅純正不作為犯必須檢驗其等價性
- 20 下列何者屬於公權力行政？  
(A)臺中市政府購買訓練課程之小額文具 (B)國有財產局出租國有地  
(C)公立醫療院所對病患之一般醫療行為 (D)主管機關核准藥物廣告
- 21 下列何者有消滅時效規定之適用？  
(A)違章建築之所有物返還請求權 (B)因夫妻關係而生之同居請求權  
(C)共有物裁判分割請求權 (D)人格權被侵害時之侵害除去請求權
- 22 繼承人為下列何種行為會喪失繼承權？  
(A)隱匿遺囑 (B)隱匿遺產情節重大  
(C)於遺產分割前處分遺產 (D)於遺產清冊為重大之不實記載
- 23 甲於下列何種行為，應盡與處理自己事務為同一之注意義務？  
(A)監護人甲，執行監護職務時 (B)受有報酬之合夥人甲，執行合夥事務時  
(C)使用借貸之借用人甲，保管借用物時 (D)未受報酬之受寄人甲，保管寄託物時
- 24 乙保全公司僱用甲，乙公司要求甲尋找保證人，擔保甲任職期間如有造成公司損害時負賠償責任，甲的好友丙願意擔任甲之保證人，下列敘述何者錯誤？  
(A)甲與丙之間成立人事保證契約  
(B)如丙僅以口頭答應，則人事保證契約不成立  
(C)人事保證契約如未定期間，則有效期間為 3 年  
(D)人事保證契約係就將來可能發生之債務，負擔保責任的契約
- 25 民法有關繼承之規定，下列敘述，何者正確？  
(A)繼承人於繼承開始後，應於法定期間內開具遺產清冊，始能享受有限責任之利益  
(B)繼承人在繼承開始前 2 年內，從被繼承人受有遺產之贈與者，該財產視為所得遺產  
(C)僅未成年之繼承人始得主張概括繼承之有限責任  
(D)繼承人對依法申報之債權，其清償順序為：有優先權之債權、遺贈、普通債權
- 26 有關抵押權之實行方法，下列敘述何者錯誤？  
(A)可聲請法院拍賣 (B)可訂立契約取得抵押物所有權  
(C)完全禁止流押契約 (D)抵押權人可用拍賣以外方法，處分抵押物
- 27 有關教唆犯之敘述，下列何者錯誤？  
(A)欠缺使被教唆人完成犯罪之意思，不成立教唆犯 (B)共同教唆，不適用刑法共同正犯之規定  
(C)教唆犯之教唆犯，仍應適用教唆犯之規定 (D)教唆犯為共犯，其法律效果較正犯之刑為輕
- 28 依中央法規標準法之規定，法律之廢止，應經何種程序？  
(A)行政院通過，總統公布 (B)司法院通過，總統公布 (C)考試院通過，總統公布 (D)立法院通過，總統公布

- 29 地方稅法通則屬於下列何種法規範？  
(A)憲法 (B)法律 (C)法規命令 (D)自治條例
- 30 依我國憲法規定及其精神，下列何者並無法律案之提案權？  
(A)總統府 (B)行政院 (C)司法院 (D)考試院
- 31 She loved being out on the mountains. There was something special about stepping out of a tent into the pristine early morning and being \_\_\_\_\_ by the solitude and beauty around her.  
(A) undermined (B) substituted (C) overwhelmed (D) detached
- 32 Because of the soldier's open \_\_\_\_\_ of established rules, the commander decided to confine him to the barrack as punishment.  
(A) residence (B) defiance (C) proportion (D) infliction
- 33 Children with a healthy sense of \_\_\_\_\_ will have a positive understanding of themselves when they grow up.  
(A) self-esteem (B) isolation (C) fatigue (D) colony
- 34 Much as we care about profit making, our company \_\_\_\_\_ the principle of making business deals on an honest and mutually beneficial basis.  
(A) advocates (B) decays (C) extinguishes (D) mobilizes
- 35 When the fire started, the security guard acted \_\_\_\_\_ to first call 119 and then turned on the broadcasting system to get all the residents out of the apartment building quickly.  
(A) congenially (B) prominently (C) successively (D) vigilantly
- 36 Most tourists would not visit Europe in the winter because it is tough to \_\_\_\_\_ with bad weather conditions there.  
(A) augment (B) contend (C) persist (D) conceive
- 37 According to the news story, the big oil company has spent millions of euros \_\_\_\_\_ the Parliament to pass the bill.  
(A) deriding (B) laundering (C) lobbying (D) modifying

請依下文回答第 38 題至第 40 題

If you want to actively keep the marriage happy, how do you do that? Don't fix the bad, but 38 the good. Research indicates that when people 39 their relationship improvement attempts on changing the partner, individuals reported more negative improvement strategies, lower improvement success, and, in turn, more negative relationship evaluations. Results suggest that targeting the partner may do more 40 than good despite that relationship evaluations pivot on whether the partner produces change.

- 38 (A) decline (B) delete (C) increase (D) ignite  
39 (A) focused (B) foresaw (C) flirted (D) filtered  
40 (A) essence (B) rattle (C) components (D) harm

請依下文回答第 41 題至第 45 題

Journalists and researchers have been looking for new ways to describe the changes in the lives of the millennial generation. Some say today's 20-somethings are living an "extended adolescence." 41, they are still like teenagers. Others say they are having a "delayed adulthood." The term "boomerang kids" is popular. That means young people leave their parents' house 42, like a boomerang thrown through the air, later return.

Research psychologist Jeffrey Arnett says these terms can suggest that many Americans 43 20-somethings. He says, "There's a tendency at least in the United States for people to look at this negatively and to deplore it and say what's wrong with them that they won't grow up?" He calls the 20s a "special decade of life." He says Americans should consider the positive aspects. For example, 20-somethings usually have a series of school and work experiences. They may have several serious romantic relationships. Or they might try living in different cities or even different countries.

"It's the freest time of your life. It's the one time of your life 44 you can get up and go basically anywhere you want and travel and experience new things, do a service project in some remote part of the world, or just experience the freedom of being 45 in your 20s." He calls this a time of "emerging adulthood." In other words, 20-somethings are more mature than adolescents but not quite full adults. He says because emerging adults try so many things, they will ultimately make better choices about work, love and home.

- |                            |                        |                         |                         |
|----------------------------|------------------------|-------------------------|-------------------------|
| 41 (A) In contrast         | (B) In other words     | (C) In detail           | (D) In doubt            |
| 42 (A) as to               | (B) or                 | (C) but                 | (D) so that             |
| 43 (A) are consistent with | (B) have modified with | (C) have satisfied with | (D) are frustrated with |
| 44 (A) when                | (B) which              | (C) what                | (D) how                 |
| 45 (A) up hill             | (B) on your own        | (C) off and on          | (D) one at a time       |

第 46 題至第 50 題測驗整體閱讀理解能力，請讀完全文後，從各題四個選項中選出一個正確答案。

For more than 50 years, those in higher education have recognized the “sophomore slump.” After the first year filled with novelty and excitement, sophomores often struggle to find their passions and set their goals, which leaves them with a sense of inertia and disorganization. They realize there are discrepancies between their expectations and the realities of college which lead to feelings of uncertainty about their futures. Consequently, sophomores may become disengaged and may even drop out. Moreover, without the aid of an intentional process to work through this confusion, sophomores are left to choose majors of careers they know little about.

Career-scape (C-scape) is one university’s unique sophomore year integrated learning experience, designed to help students to plan their careers. It takes students through a comprehensive process of discovering and integrating their personal and professional landscapes, using their personal compass to define their direction, and personally mapping the steps to get there. This program is unique because it builds on Fink’s seminal framework on integrated design of significant learning experiences. The aim of C-scape is to actively engage sophomores in the process of taking responsibility for their own learning and their future personal and professional success.

- 46 Which of the following statements best describes the main idea of the passage?
- (A) Sophomores become disengaged in the second year and may drop out.  
 (B) With the help of Career-scape, sophomore slump may be overcome.  
 (C) Career-scape takes sophomores to discover their professional interests.  
 (D) Sophomores lose their passions as the first-year novelty and excitement disappear.
- 47 Which of the following statements best describes the underlined expression “sophomore slump”?
- (A) It is a sense of confusion after a freshman fails the first year.  
 (B) It is a slump a sophomore travels through after an uphill drive.  
 (C) It is a sense of inactivity after the freshman year excitement wanes.  
 (D) It is a bump a sophomore encounters after mountain climbing.
- 48 Which of the following statement is NOT a reason why students struggle to overcome sophomore slump?
- (A) They miss the discrepancies between their goals and careers.  
 (B) They lose their passions and find it difficult to set their goals.  
 (C) They lose the feelings of novelty and excitement after the first year.  
 (D) They see the discrepancies between their expectations and college realities.
- 49 According to the passage, what is C-scape for?
- (A) It helps sophomores to map the steps to get around the campus.  
 (B) It helps sophomores to find their direction and plan their career landscapes.  
 (C) It helps sophomores to use a personal compass to find a job in the market.  
 (D) It helps sophomores to use a compass to find their direction while traveling.
- 50 According to the passage, which of the following is NOT true about C-scape?
- (A) It aims to help sophomores take responsibilities of their learning processes.  
 (B) It aims to help sophomores integrate their personal and professional landscapes to succeed.  
 (C) It is a unique program to help students map the campus landscape with a personal compass.  
 (D) It is a program built on the framework of integrated design of significant learning experiences.