

106年公務人員特種考試警察人員、一般警察人員考試及106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

代號：2301
頁次：6-1

考試別：一般警察人員考試、鐵路人員考試、退除役軍人轉任公務人員考試

等別：三等考試、高員三級考試

類科別：各類科、各類別

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 下列何者非行政院下設之獨立機關？
(A)金融監督管理委員會 (B)中央選舉委員會
(C)公平交易委員會 (D)國家通訊傳播委員會
- 2 大法官之解釋具有拘束全國人民與全國各機關之效力，此種拘束效力出自於下列何者？
(A)憲法增修條文規定 (B)司法院大法官審理案件法規定
(C)大法官之解釋 (D)司法院組織法規定
- 3 依憲法、憲法增修條文及考試院組織法規定，有關考試委員之敘述，下列何者錯誤？
(A)考試委員由總統提名，經立法院同意任命之
(B)考試委員任期6年
(C)考試委員須超出黨派，依據法律獨立行使職權
(D)憲法增修條文明文規定設考試委員15人
- 4 下列何者不屬於司法獨立之內容？
(A)法官終身職保障 (B)法官須超出黨派
(C)法官離職後執行律師業務之限制 (D)遵守法定法官原則
- 5 有關總統國家機密特權之敘述，下列何者錯誤？
(A)總統之國家機密特權以其依憲法及憲法增修條文所享有之行政權範圍內，有關國家安全、國防及外交資訊為限
(B)國家機密特權非憲法明文規定，屬行政首長固有權能，其依據為權力分立與制衡原則
(C)總統依其國家機密特權，就國家機密事項於刑事訴訟程序應享有拒絕證言權，並於拒絕證言權範圍內，有拒絕提交相關證物之權
(D)總統陳述涉及國家機密事項之證言或提交相關證物，如經保密程序進行，即不能認為有妨害國家利益之虞
- 6 下列何者完全不屬於憲法第24條關於國家賠償之法律？
(A)國家賠償法 (B)冤獄賠償法 (C)警械使用條例 (D)土地徵收條例
- 7 依憲法增修條文之規定，立法院對行政院院長提出不信任案，應如何作成決定？
(A)立法院於不信任案提出36小時後，至遲應於24小時內以記名投票表決之
(B)立法院於不信任案提出36小時後，至遲應於24小時內以不記名投票表決
(C)立法院於不信任案提出72小時後，應於48小時內以記名投票表決
(D)立法院於不信任案提出72小時後，應於48小時內以不記名投票表決
- 8 關於憲法第23條規定之敘述，下列何者錯誤？
(A)比例原則之依據 (B)法律保留之依據 (C)自由權並非絕對保障 (D)基本權概括條款之規定

- 9 依司法院釋字第 445 號解釋，下列何者非屬表現自由之範疇？
(A)集會自由 (B)人身自由 (C)講學自由 (D)出版自由
- 10 下列何者非屬憲法明文列舉之基本權？
(A)學術自由 (B)遷徙自由 (C)宗教自由 (D)契約自由
- 11 下列何者原則上不涉及人民之居住遷徙自由？
(A)強制大陸地區人民出境 (B)新聞記者以跟追方式對公眾人物進行採訪
(C)遷村計畫之實施 (D)限制本國國民入境
- 12 關於立法院預算案之審議，下列敘述何者正確？
(A)依司法院釋字第 264 號解釋之意旨，立法院對於行政院所提預算案，不得為增加支出之提議，旨在防止政府預算膨脹，致增人民之負擔
(B)依司法院釋字第 391 號解釋之意旨，基於民主憲政之原理，預算案必須由立法機關審議通過而具有法律之形式，稱之為個別性法律，以有別於通常意義之法律
(C)依司法院釋字第 391 號解釋之意旨，立法院得對預算案為合理之刪減，得比照審議法律案之方式逐條逐句增刪修改，而對各機關所編列預算之數額，在款項目節間移動增減，並追加或削減原預算之項目
(D)依司法院釋字第 520 號解釋之意旨，主管機關依職權停止法定預算中部分支出項目之執行一律構成違憲與違法
- 13 依司法院大法官相關解釋之意旨，下列敘述何者錯誤？
(A)學術自由屬於憲法第 11 條所規定之講學自由
(B)學術自由之內容，就大學而言，包括研究自由、教學自由以及學習自由之相關事項
(C)大學不享有學術自由，只有大學中之教授才能主張此項基本權
(D)立法或行政對學術自由之規範，應受到適度之限制
- 14 對於下列何種工作者，憲法未明文規定國家應予以獎勵或補助？
(A)國內私人經營之教育事業成績優良者 (B)僑居國外國民之教育事業成績優良者
(C)從事教育久於其職而成績優良者 (D)文化事業採企業化經營創新卓有成效者
- 15 依憲法增修條文第 9 條第 1 項之規定，臺灣省省諮議會議員之產生方式，為下列何者？
(A)總統任命 (B)行政院院長提請總統任命
(C)總統提名，經立法院同意任命 (D)總統提名，經監察院同意任命
- 16 下列關於自治法規之敘述，何者錯誤？
(A)自治法規與憲法、法律、基於法律授權之法規、上級自治團體自治條例或該自治團體自治條例有無牴觸發生疑義時，得聲請立法院解釋之
(B)地方立法機關得訂定自律規則
(C)自律規則除法律或自治條例另有規定外，由各該立法機關發布，並報各該上級政府備查
(D)自律規則與憲法、法律、中央法規或上級自治法規牴觸者，無效
- 17 關於法律之制定，下列敘述何者錯誤？
(A)經立法院三讀議決通過之法律案，仍應由總統公布，始發生法律效力
(B)原則上總統應於收到立法院法律案後 10 日內公布之
(C)總統公布法律，須經行政院院長副署，或行政院院長及有關部會首長之副署
(D)已完成公布程序之法律，人民若認為有重大違反憲法之虞，得敘明理由之後，直接向司法院大法官聲請憲法解釋
- 18 憲法第 7 條規定，中華民國人民無分男女、宗教、種族、階級、黨派，在法律上一律平等。所謂法律上平等之意義，下列敘述何者正確？
(A)僅指法律適用平等
(B)僅拘束行政權與司法權，例外情形始拘束立法權
(C)平等原則不包含實質平等
(D)行政機關受行政慣例拘束，應遵守對相同案件相同處理之原則

- 19 下列何種請求權有消滅時效規定之適用？
(A)請求履行不動產協議分割契約之權利 (B)共有物分割請求權
(C)履行婚約請求權 (D)已登記不動產所有人之回復請求權
- 20 下列何種行政行為不屬於行政程序法第 2 條第 1 項所定之行政行為？
(A)實施行政指導 (B)長官對屬官作出指令 (C)處理陳情 (D)締結行政契約
- 21 甲出賣幼犬於乙，雙方就甲之過失責任並無特約，而該犬於交付前因寒流而凍死。下列敘述何者錯誤？
(A)若不可歸責於甲致該犬凍死者，甲免給付義務
(B)若可歸責於甲致該犬凍死者，乙可向甲請求賠償損害
(C)若可歸責於甲致該犬凍死者，乙可解除契約並向甲請求賠償損害
(D)甲就該犬之凍死，若無重大過失，則甲不負賠償責任
- 22 關於罰金易服勞役的敘述，下列何者錯誤？
(A)罰金應於裁判確定後 2 個月內完納。期滿而不完納者，強制執行。其無力完納者，易服勞役
(B)易服勞役以新臺幣一千元、二千元或三千元折算 1 日。但勞役期限不得逾 1 年
(C)易服勞役期間逾 1 年後，仍得以提供社會勞動 6 小時折算 1 日的方式，易服社會勞動
(D)易服勞役不滿 1 日之零數，不算
- 23 下列何種事情，非裁判終止收養之具體事由？
(A)養子女有浪費財產之情事
(B)養父母有虐待養子女之情事
(C)養父母有遺棄養子女之情事
(D)養父母故意犯罪，被判 2 年以上之徒刑確定，而無緩刑之宣告
- 24 下列何者不發生消滅時效中斷之效力？
(A)聲請強制執行 (B)起訴之撤回 (C)起訴 (D)承認
- 25 概括受任人為下列何種行為時，另須有特別授權？
(A)主張時效抗辯 (B)不動產之買入
(C)訂定 1 年期限之土地租賃契約 (D)贈與動產
- 26 關於數罪併罰之敘述，下列何者錯誤？
(A)於裁判確定後，發覺未經裁判之餘罪者，就餘罪處斷
(B)數罪併罰，有二裁判以上者，依刑法第 51 條之規定，定其應執行之刑
(C)一裁判宣告數罪之刑，於定其執行刑後，如再與其他裁判宣告之刑，定其執行刑時，前定之執行刑仍然有效
(D)裁判確定後另犯他罪，不在數罪併罰規定之列
- 27 下列關於己手犯之敘述，何者錯誤？
(A)所謂己手犯又稱為親手犯，係正犯須親自為之的犯罪類型
(B)偽證罪與通姦罪，皆為己手犯
(C)重婚罪非己手犯，第三人參與者得成立共同正犯
(D)依我國學界多數意見，己手犯不得成立間接正犯
- 28 下列關於公司負責人之敘述，何者錯誤？
(A)公司負責人應忠實執行業務並盡善良管理人之注意義務，如有違反致公司受有損害者，負損害賠償責任
(B)公司之經理人或清算人在執行職務範圍內，亦為公司負責人
(C)公司負責人對於公司業務之執行，如有違反法令致他人受有損害時，對他人應與公司負連帶賠償之責
(D)無限公司、兩合公司之公司負責人為董事

- 29 甲為現受僱於我國某一僱用 5 人以上公司之外國籍員工，依勞工保險條例之規定，下列敘述何者正確？
(A)甲應以其雇主或所屬團體或所屬機構為投保單位參加勞工保險
(B)甲得準用勞工保險條例之規定參加勞工保險
(C)甲經主管機關審查其工作性質核定後亦得參加勞工保險
(D)甲依法不得參加勞工保險
- 30 依據性別工作平等法第五章申訴程序之相關規定，下列何種情形為正確？
(A)受僱者提出性別（性傾向）歧視及性騷擾之申訴時，雇主不得為不利之處分
(B)雇主違反本法第四章促進工作平等措施時，受僱者得向刑事法院提起訴訟
(C)法院及主管機關對差別待遇事實之認定，不應審酌性別工作平等會所為之調查報告、評議或處分而自作判斷
(D)中央主管機關接獲受僱者有關本法第四章促進工作平等措施之申訴時，亦得自行展開調查

請依下文回答第 31 題至第 35 題：

These are salad days for organizers of petition drives. Never has it been so easy to circulate demands and 31 virtual signatures. Not long ago, ardent activists clutched clipboards outside grocery stores or student unions as 32 passers-by pretend not to notice them. But social media streamlines the search for the 33. It follows that these are glum times for college presidents. Zealous students at well-known institutes have leveraged social media to drive away invited graduation-day speakers. They make it look so easy that students elsewhere will surely be tempted to 34 the fun. For example, Former US Secretary of State Condoleezza Rice backed out of the Rutgers graduation ceremony after students 35 her as a “war criminal” for her role in the Bush Administration’s war on terror.

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|----|----------------|----------------|---------------|-----------------|
| 31 | (A)erase | (B)collect | (C)comprehend | (D)include |
| 32 | (A)apathetic | (B)sympathetic | (C)pathetic | (D)enthusiastic |
| 33 | (A)like-minded | (B)lookalike | (C)sidekick | (D)undertaker |
| 34 | (A)follow up | (B)avoid | (C)join in | (D)jump |
| 35 | (A)accessed | (B)commended | (C)denounced | (D)lauded |

請依下文回答第 36 題至第 40 題：

Stereotypes are a kind of gossip about the world, a gossip that makes us pre-judge people before we ever lay eyes on them. 36, it is not surprising that stereotypes have something to do with the dark world of prejudice. Explore most prejudices and you will find a cruel stereotype at the core of each one.

Why is it that we stereotype the world in such irrational and harmful 37? In part, we begin to 38 people in our childhood years. Early in life, as every parent whose child has watched TV knows, we learn to spot the Good Guys 39 the Bad Guys. Some years ago, a social psychologist showed very clearly how powerful these stereotypes of childhood vision are. He secretly asked the most popular kids in an elementary school to make errors in the morning gym exercises. 40, he asked the class if anyone had noticed any mistakes during gym period. Oh, yes, said the children. But it was the unpopular students in class—the “bad guys”—they remembered as being out of step.

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|----|-----------------|---------------|-----------------|-----------------|
| 36 | (A)Nevertheless | (B)Hence | (C)Additionally | (D)Conversely |
| 37 | (A)fashion | (B)fraction | (C)fund | (D)fiction |
| 38 | (A)transform | (B)terminate | (C)tolerate | (D)typecast |
| 39 | (A)before | (B)from | (C)to | (D)with |
| 40 | (A)Afterward | (B)Beforehand | (C)Occasionally | (D)Periodically |

FROM: Sports and Social Committee

TO: All Staff

SUBJECT: End-of-year social event

Dear colleagues

We haven't been able to have an end-of-year social event for the past two years due to our limited funds in the Sports and Social Club. This year, however, the company is going to support an event. We discussed various options, such as an office party, a meal out and a day trip.

Firstly, we considered an office party held on the premises. The main advantage of this would be that it avoids any need for people to make special travel arrangements. On the other hand, the building doesn't really have a space that is suitable.

We therefore looked at a meal out. There are a number of suitable restaurants and hotels close to the office. One arrangement against this was that sitting at tables is not a very good way for us to mix and get to know people from other departments.

Finally, we discussed a day trip, for example to a local tourist spot. The main drawback of this is the cost. In addition, it's difficult to find somewhere that caters for all of our needs and interests. Taking all of the points into consideration, we propose an office party for all staff, to be held in the main reception area. Data and time to be confirmed.

Please let us know your opinion, preferable before the end of next week.

Thank you.

SaSC

- 41 What is the preferred consensus proposed for the end-of-year social event by the Sports and Social Committee?
- (A) To have an office party. (B) To plan a meal out.
(C) To hold a day trip. (D) To send a questionnaire.
- 42 Who are invited to this end-of-year social event?
- (A) People in the Sports and Social Club.
(B) The employees who help raising the funds.
(C) Whoever wants to know people from other departments.
(D) Everyone who works in this company.
- 43 What is the major disadvantage for having a day trip?
- (A) There is not enough space for this trip.
(B) The expense for the day trip is huge.
(C) Special travel arrangements need to be made.
(D) It will be hard to know people from other departments.
- 44 Why have there been no end-of-year social events for the past two years?
- (A) People were not interested in social events.
(B) There was not enough money for social events.
(C) The company discouraged social events.
(D) No one helped to arrange social events.
- 45 Which of the following statements is NOT an anticipated reply from people receiving this e-mail?
- (A) An office party is a great idea! Count me in!
(B) I don't have extra money for this social event.
(C) Let's rearrange chairs and tables in the reception area.
(D) How about having a potluck party as well?

請依下文回答第 46 題至第 50 題：

California on Wednesday suspended its mandatory statewide 25 percent reduction in urban water use, telling local communities to set their own conservation standards after a relatively wet winter and a year of enormous savings in urban water use. The new rules are a sharp change in policy for a state struggling to manage one of the worst droughts in its history. They came after a winter in which El Niño storms fell short of what meteorologists projected — particularly in the southern part of the state — but still partly filled parched reservoirs in Northern California and, more critically, partly replenished the mountain snowpack that provides water into the spring and summer. The state has long struggled to find ways to get water in the north to the people in the south. The state's two largest and most important reservoirs are both above their historical averages for this time of year. But reservoirs farther south remain far below average. "The snowpack this year was close to historical levels. But warm weather has melted a lot of it away," said Michael Anderson, the state climatologist. However, the rules do not apply to agriculture, which is covered by different regulations and makes up the bulk of water use in the state. State officials said that the drought, already in its fifth year, was not over and that Californians had to adapt to permanently more arid times because of climate change. Even as officials eased up on the regulations, the state made permanent prohibitions against washing down sidewalks and driveways, using a hose without a shut-off valve to wash cars and banning the use of water on road medians. Under the new rules, which take effect on June 1, communities would set reduction guidelines based on their own projection of water supplies, assuming that the next three years here continue to be uncommonly dry.

- 46 Why did the state change the rules for water use?
- (A) Water conservation for the spring and summer is not enough.
(B) A lot of snow fell in the mountain area during the winter.
(C) Bulk of water use in the state is needed for farming areas.
(D) The drought has been over because of climate change.
- 47 According to the passage which area of the state is worst in water conservation?
- (A) in the east (B) in the west (C) in the south (D) in the north
- 48 What is permanently prohibited by the state despite the new rules?
- (A) watering lawns and gardens (B) washing cars and trucks
(C) filling up bathtubs (D) washing down driveways
- 49 What is the main issue of the new rules?
- (A) Twenty-five percent reduction in urban water use has been halted.
(B) It is mandatory to have 25 percent reduction in urban water use.
(C) A new conference was held on coping with climate change in the state.
(D) It is required to keep water in the reservoirs above averages.
- 50 Which statement is NOT true according to the passage?
- (A) Agriculture is not covered by the new rules.
(B) It is expected that the draught will continue.
(C) The new rules allow communities to set their own reduction standards.
(D) It is simple and easy to send water in the north to the people in the south.