

115年公務人員高等考試三級考試試題

類 科：各類科（除公職社會工作師、公職獸醫師、公職建築師、公職護理師、公職營養師、公職食品技師、公職藥師外）
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 下列有關正當法律程序原則之敘述，依司法院大法官解釋之意旨，何者錯誤？
(A)違警罰法因違反實質正當之法律程序遭司法院大法官宣告部分條文違憲
(B)司法院大法官自釋字第 396 號解釋開始，逐步將正當法律程序概念擴及到公務員懲戒程序等其他領域中
(C)檢肅流氓條例曾經多次被司法院大法官以違反正當法律程序為由，宣告部分條文違憲
(D)司法院大法官將正當法律程序概念適用在稅捐稽徵、都市更新等行政程序中
- 2 關於憲法增修條文第 10 條第 10 項國家對於教育、科學、文化經費之編列，下列敘述何者正確？
(A)中央不得少於其預算總額百分之 15
(B)在省不得少於其預算總額百分之 25
(C)在市縣不得少於其預算總額百分之 35
(D)國民教育之經費尤應優先編列
- 3 針對人民結社自由所為限制之憲法疑義，依司法院大法官解釋之意旨，下列敘述何者錯誤？
(A)工會法禁止教育事業技工、工友組織工會部分，衡酌其工作性質應屬違憲
(B)限定人民團體應冠以所屬行政區域名稱之行政命令，逾越人民團體法之意旨而失效
(C)法律施行前已存在之祭祀公業，如規約排除女系子孫之派下員資格，侵害女系子孫之結社自由及財產權
(D)以主張共產主義或分裂國土為由，不予許可設立人民團體，違憲
- 4 依司法院釋字第 718 號解釋，有關緊急性及偶發性集會遊行之敘述，下列何者正確？
(A)法律對緊急性及偶發性集會遊行，均得採行事前許可制予以管制
(B)法律對緊急性及偶發性集會遊行，均不得採行事前許可制予以管制
(C)法律對緊急性集會遊行，得採行事前許可制予以管制，但事前許可制不得適用於偶發性集會遊行
(D)法律對偶發性集會遊行，得採行事前許可制予以管制，但事前許可制不得適用於緊急性集會遊行
- 5 關於國家賠償請求權，依司法院釋字第 624 號解釋之意旨，下列敘述何者正確？
(A)軍事機關依軍事審判法令對人民身體自由所致之侵害，不得請求國家賠償
(B)人民之自由、權利於刑事訴訟程序中受有損害，得依法向國家請求賠償
(C)因刑事訴訟與軍事審判性質不同，立法者得規定限於依刑事訴訟程序受理案件所致侵害，始得請求國家賠償
(D)軍事審判所致冤獄之賠償請求權人，得直接適用國家賠償法請求賠償
- 6 依憲法及法律規定，下列何者有服兵役義務？
(A)在臺居住，有永久居留權之 22 歲外國人
(B)於 28 歲因歸化而取得我國國籍之男子
(C)於 10 歲時放棄國籍並取得外國籍者
(D)20 歲之我國籍女子
- 7 憲法第 21 條規定的受國民教育權，保障的主體是下列何者？
(A)學生
(B)家長
(C)教師
(D)學校
- 8 有關總統、副總統彈劾，下列敘述何者正確？
(A)經全體立法委員 2 分之 1 以上之提議，全體立法委員 4 分之 3 以上之決議
(B)彈劾是否成立須經最高行政法院判決
(C)判決彈劾成立時，被彈劾人應即解職
(D)彈劾案之審理，毋須言詞辯論
- 9 下列何者並非組成行政院會議之人員？
(A)臺北市市長
(B)行政院副院長
(C)中央銀行首長
(D)政務委員
- 10 有關中央與地方權限劃分之憲法規定，下列敘述何者正確？
(A)憲法未明定屬於中央之權限者，屬於地方
(B)中央與地方之權限，憲法有明文規定
(C)憲法未明定屬於地方之權限者，屬於中央
(D)憲法未明定屬於中央或地方權限之事項，其權限歸屬遇有爭議時，由司法院大法官決定之

- 11 關於我國法規範之法源（法規範之淵源），下列敘述何者正確？
(A)憲法增修條文不屬於憲法一部分，效力低於憲法，可由法律加以修正
(B)法律是指行政院提出草案，經立法院同意通過，行政院長公布後生效之規範
(C)判例因可能侵犯立法權而遭廢除，目前由最高法院或最高行政法院之大法庭裁定統一法律見解
(D)行政機關可以基於法律之授權訂定法規命令，也可以基於職權訂定行政規則，後者效力高於法律
- 12 憲法法庭判決宣告法規違憲且應失效，倘判決主文未另有論知，該違憲法規自何時失其效力？
(A)自判決宣示或公告之日起失效
(B)法律位階法規於 2 年後定期失效
(C)溯及自違憲法規制定時失效
(D)命令位階法規於 1 年後定期失效
- 13 有關法律適用原則，下列敘述何者錯誤？
(A)法規對某一事項規定適用或準用其他法規之規定者，其他法規修正後，適用或準用修正後之法規
(B)在同一事項中，如同時可適用兩種以上之法律時，應優先適用特別法
(C)行為後法律有變更者，適用行為時之法律。但行為後之法律有利於行為人者，適用最有利於行為人之法律
(D)各機關受理人民聲請許可案件適用法規時，如在處理程序終結前，據以准許之法規有變更者，適用舊法規
- 14 關於獨立行政機關，依司法院釋字第 613 號解釋之意旨，下列敘述何者正確？
(A)因不受上級行政機關指揮，違反責任政治之原則
(B)為維護獨立行政機關之獨立性，法律得剝奪行政院院長之人事任免權
(C)基於行政一體原則，立法院與人民團體不得參與獨立行政機關之重要人事決定
(D)獨立行政機關之主任委員由委員互選，未違背行政一體原則
- 15 在未告知父母的情形下，剛滿 18 歲的大學生甲女授權給聰明的 16 歲弟弟乙，讓他代理她去租一間套房。乙隔日代理甲與房東丙訂立一份 A 套房的一年期租賃契約。此租賃契約效力為何？
(A)無效
(B)經其父母承認，始生效力
(C)有效
(D)得撤銷
- 16 甲向乙借款新臺幣 500 萬元，並以自己的 A 地為乙設定抵押權為債權擔保。一年後，甲已經陸續清償完對乙的借款，乙卻不願塗銷 A 地的抵押權或給予甲清償證明。甲向乙請求塗銷抵押權登記的請求權基礎為何？
(A)所有物返還請求權 (B)侵害除去請求權 (C)侵害防止請求權 (D)所有人之自助權
- 17 關於「得被害人之承諾」作為超法規阻卻違法事由的敘述，下列何者錯誤？
(A)被害人所放棄之法益僅限個人法益，不包括超個人法益
(B)被害人須具有承諾能力，不以成年為限，也不以民法上之行為能力為標準
(C)承諾須出於被害人之自由意思，不受強暴、脅迫之影響
(D)承諾可以在行為前表示，也可以在行為後表示
- 18 下列何者非屬刑法上之故意概念？
(A)未必故意 (B)概括故意 (C)擇一故意 (D)事後故意
- 19 勞動基準法對於童工、女工、技術生等工作之保護規定，下列敘述何者正確？
(A)雇主得根據學習內容之項目向技術生收取相關訓練費用
(B)雇主不得招收未滿 15 歲之人為技術生，但國民中學畢業者不在此限
(C)雇主不得使女工於午後 10 時至翌晨 6 時之時間內工作
(D)童工每日之工作時間不得超過 8 小時，每週之工作時間不得超過 40 小時，但例假日如經童工本人同意仍得工作
- 20 在公共場所遭到性騷擾時，關於被害人救濟管道，下列敘述何者錯誤？
(A)行為人有所屬政府機關時，向該政府機關提出申訴
(B)行為人不明時，向事件發生地之管轄法院提出申訴
(C)權勢性騷擾事件，被害人不得申請調解
(D)被害人得向加害人請求損害賠償
- 21 Whistle-blowers often pay a high price for their actions because there is a risk of being _____ or discredited.
(A) leached (B) recommended (C) exhibited (D) retaliated
- 22 The business was able to _____ the economic downturn by implementing an aggressive cost-cutting measure.
(A) pursue (B) occupy (C) survive (D) confirm
- 23 Consumers _____ the fact that manufacturers did not produce small packs for single-person households.
(A) lamented (B) auctioned (C) vaporized (D) compressed

- 24 Several clusters of cases related to a new virus emerged in this area, _____ schools to delay their start dates.
(A) prohibiting (B) promising (C) prompting (D) probating
- 25 Chocolate is _____ from the seeds of cacao trees by a complex process of grinding, heating, and blending.
(A) beaten (B) extracted (C) abstracted (D) fastened
- 26 To protect themselves from enemy attacks, the inhabitants of the castle _____ its walls and built a moat around it.
(A) forwarded (B) fortified (C) fertilized (D) forfeited
- 27 The politician's statement was intentionally _____, leaving the audience uncertain about what he truly meant.
(A) artificial (B) anonymous (C) ambiguous (D) apparent
- 28 She was so deeply touched by the breathtaking scenery that she was left _____.
(A) feasible (B) liberal (C) offensive (D) speechless
- 29 I promised to never _____ my best friend, no matter what hardships come our way.
(A) aid (B) inspire (C) forsake (D) motivate
- 30 I _____ enjoyed reading the novel, as the author had taken great care to develop the plot in a meaningful and clear way.
(A) painstakingly (B) thoroughly (C) negligently (D) superficially
- 31 The _____ questions posed by the nosy reporter made the celebrity feel uncomfortable and annoyed.
(A) elegant (B) intrusive (C) efficient (D) inherited
- 32 After a horrible murder happened, the police _____ several suspects for hours.
(A) interrogated (B) offset (C) stereotyped (D) registered
- 33 The manager has set up a clearly defined _____ to train new waiters how to greet guests and take their order step by step.
(A) formation (B) deadline (C) manufacture (D) procedure
- 34 The yeast added to the dough caused it to _____, resulting in the bread rising and developing a soft, airy texture.
(A) feed (B) ferment (C) fast (D) fabricate
- 35 Hannah thought the long walk might exhaust her, but it turned out to be a relaxing one. It was really _____.
(A) under the weather (B) a blessing in disguise (C) a snowball effect (D) at face value
- 36 The famous composer's _____ talent for classical music was evident right from a young age.
(A) coherent (B) inherent (C) instructive (D) successive
- 37 The police officers showed _____ in dealing with the difficult situation and managed to resolve it peacefully.
(A) discretion (B) dimension (C) medallion (D) medication
- 38 The professor's highly biased and controversial statement _____ a heated debate among students and faculty members.
(A) let go (B) set off (C) gave in (D) cut down
- 39 The famous band received a(n) _____ welcome from crowds of fans when they arrived at the concert venue.
(A) dubious (B) eligible (C) negligible (D) rapturous
- 40 The online instant service aims to _____ the application for social welfare.
(A) fluctuate (B) formulate (C) fabricate (D) facilitate

請依下文回答第 41 題至第 45 題

It is still a problem for many people in the world to have safe water to drink. Some people hold that bottled water is a more convenient product than tap water when you need a quick drink; 41, few may wonder where the former is made and why it costs so much. In fact, tap water isn't a universal luxury. It's 42 that more than 800 million people around the world don't have safe drinking water, and even in the US, cities had to use bottled water 43 tap water. The tap water had aging facilities or toxic chemicals in the water supply. On the other hand, bottled water has a huge environmental impact. It usually 44 a lake, spring, or underground aquifer, and on average, 45 need 3 liters of water to make one liter of bottled water. To make plastic bottles, they need billions of gallons of oil every year and 2,000 times more energy than tap water needs.

- 41 (A) in addition (B) however (C) by the way (D) consequently
- 42 (A) conducted (B) included (C) estimated (D) secluded
- 43 (A) in addition to (B) as well as (C) due to (D) instead of
- 44 (A) originates from (B) pours into (C) fluctuates among (D) appears in
- 45 (A) legislators (B) instructors (C) conductors (D) manufacturers

請依下文回答第 46 題至第 50 題

Denver's public schools' three-year plunge from one of the nation's most carefully planned and promising examples of public-education transformation into a district led by a school board in disarray has multiple causes, and there's plenty of blame to spread around. Ultimately, however, it is the result of a concerted effort over more than a decade by organized and committed activists, local and national, who have opposed changing the governance and operation of school districts in any significant way. The politics of public education in Denver have grown increasingly in school systems across the country. What distinguishes the conflict over reform in Denver is how unrelated it is to student outcomes.

While Denver's reforms have been far from perfect, they merit the national attention they've drawn. A growing body of evidence makes clear that outcomes for students in the city slowly yet significantly improved, including for students the district has historically failed to serve well. Yet as soon as Denver Public Schools took its initial steps toward reform less than two decades ago, an active opposition campaign arose, aimed not at moderating or improving the reforms, but at destroying them. In 2019, the election of three new anti-reform members to the Denver Board of Education flipped the board majority to that camp.

Since the educational reform was launched in 2005, Denver's families and educators have embraced choice. The broad popularity of choice in Denver makes dismantling reform politically fraught for the board and its allies. In fact, the board has faced strong pushback from some parents and educators and has had to confront the complex reality of governing a district where choice, autonomy, and a focus on outcomes are now woven into the fabric of public education. But the union-supported board majority was determined to push ahead, and that meant **cleaninghouse at the top**. In fall 2020, Superintendent Susana Cordova resigned after less than two years on the job. Cordova is a Denver native and Denver Public Schools graduate who had spent most of her professional career working for the district. Cordova never got a chance to enact her own agenda. First, a teacher strike weakened her just weeks into her tenure. Next, the new board gave her no room to enact changes. Finally, softening the impacts of the Covid-19 pandemic became the district's sole focus.

Now that the pandemic's disruption is receding, the board appears poised to renew its efforts to roll back reform. It has a good chance of succeeding, because in November 2021, all four of the anti-reform candidates won, giving their side unanimous control.

- 46 Which of the following is the main idea of this passage?
- (A) A group of activists are now close to their goal of dismantling the educational reform in Denver.
 - (B) Denver's educational reform agenda has been badly interrupted by the Covid-19 pandemic.
 - (C) Denver's educational reform has improved significantly, including students who had performed poorly.
 - (D) Denver's teacher union-based board has made concerted efforts to implement a successful educational reform.
- 47 According to the passage, which of the following is true about the opposition camp of Denver's educational reform?
- (A) They supported changing the governance and operation of school districts.
 - (B) They disagreed with the educational reform from the very beginning.
 - (C) They insisted on teacher choice and autonomy in the governance of schools.
 - (D) They gained full support from Denver's families and educators.
- 48 Which of the following is closest in meaning to the phrase "cleaninghouse at the top" in the passage?
- (A) Destroying the union's scheme to sabotage Cordova's agenda.
 - (B) Encouraging Cordova to enact her reform in the school district.
 - (C) Removing the pro-reform superintendent from the office.
 - (D) Modifying schooling practices during the Covid-19 pandemic.
- 49 Which of the following best describes the tone of the passage?
- (A) Cheerful. (B) Critical. (C) Amused. (D) Absurd.
- 50 According to the passage, what is most likely to happen to Denver's educational reform in the near future?
- (A) The reformers' focus on student outcomes will continue to improve Denver's public education.
 - (B) Choice and autonomy will continue to take central roles in Denver's public education.
 - (C) Pro-reform parents and teachers will take back the school board and continue their reform agenda.
 - (D) The new school board dominated by anti-reform members will succeed in rolling back the reform.