

105年公務人員特種考試警察人員、一般警察人員 考試及105年特種考試交通事業鐵路人員考試試題

考試別：一般警察人員考試、鐵路人員考試

等別：三等考試、高員三級考試

類科別：各類別、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)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 依據憲法及憲法增修條文規定，下列何者非屬監察院之職權？
(A)調查權 (B)糾舉權 (C)審計權 (D)同意權
- 2 關於人民提起之釋憲案，如司法院大法官解釋認為確定終局判決所適用之法律或命令違憲，下列敘述何者正確？
(A)聲請人不得據以推翻該確定終局判決
(B)聲請人得就原因案件提起再審
(C)法院適用該違憲之法律或命令作成之所有判決皆喪失效力
(D)違反司法院大法官解釋意旨之判決當然失其效力，聲請人毋庸提起再審
- 3 針對總統彈劾案，如經全體立法委員三分之二以上決議通過後，應向何者提出彈劾案？
(A)監察院 (B)最高行政法院 (C)最高法院 (D)司法院大法官
- 4 我國立法委員之選舉採取下列何種方式？
(A)複數選區兩票聯立制 (B)複數選區一票制 (C)單一選區一票制 (D)單一選區兩票並立制
- 5 依據憲法增修條文規定，下列何者非屬解散立法院應有之程序？
(A)立法院對行政院院長通過不信任案 (B)行政院院長諮詢立法院院長
(C)行政院院長呈請總統解散立法院 (D)總統宣告解散立法院
- 6 下列何者非屬行政院所轄二級獨立機關？
(A)飛航安全調查委員會 (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
- 7 依據憲法第 77 條規定，我國最高之司法機關為何者？
(A)司法院 (B)大法官會議 (C)最高行政法院 (D)最高法院
- 8 依據憲法第 23 條規定，公權力干預基本權必須符合之要件，下列何者不屬之？
(A)必須有法律依據，以合乎法律保留原則
(B)必須合乎四種限制事由：防止妨礙他人自由，避免緊急危難，維護社會秩序，增進公共利益
(C)必須合乎比例原則
(D)必須以形式意義之法律為依據，不包括法規命令
- 9 依據司法院大法官解釋意旨，對於結社自由之敘述，下列何者正確？
(A)法律得禁止教育事業之技工與工友組織工會
(B)法律要求政治團體之運作亦必須遵守民主原則
(C)人民團體所使用之名稱得以行政規則禁止之
(D)結社之組織或活動不得主張共產主義
- 10 房屋所有權人應提供私有土地供作法定空地，作為騎樓等供公眾通行，沒有補償金。下列敘述何者正確？
(A)我國未有補償的相關規定，所以毋庸補償
(B)就供公眾通行之土地，仍為房屋所有人所有，並未喪失所有權，所以毋庸補償
(C)國家財政困難，無法補償
(D)對人民之限制尚屬輕微，未逾比例原則，所以毋庸補償
- 11 依據司法院釋字第 587 號解釋意旨，子女得以獲知其血統來源，確定其真實父子身分關係，攸關子女之下列何種權利？
(A)工作權 (B)平等權 (C)資訊自決權 (D)人格權
- 12 假如有規定對服完兵役者參與大學指定科目考試予以加分，則未獲加分者得主張下列何種權利？
(A)言論自由 (B)生存權 (C)平等權 (D)財產權
- 13 依據憲法第 155 條規定：「國家為謀社會福利，應實施社會保險制度。」此項規定之法律性質為何？
(A)基本權條款 (B)修憲界限 (C)憲法委託 (D)統治行為

- 14 上級政府或主管機關對於地方自治團體辦理自治事項，依法應為下列何種監督？
(A)適法性監督 (B)合目的性監督 (C)司法監督 (D)輿論監督
- 15 關於地方自治團體之財政自主權，依據司法院釋字第 550 號解釋意旨，下列敘述何者錯誤？
(A)地方自治團體施政所需之經費負擔為涉及財政自主權之事項，有法律保留原則之適用
(B)於不侵害地方財政自主權核心領域之前提下，中央得依法律使地方分擔保險費之補助
(C)中央如立法將與地方政府職掌全然無關之國防事務經費支出，規定由地方負擔，將構成對地方財政自主權核心領域之侵害
(D)中央如有增加地方自治團體財政負擔之立法措施，除有地方自治團體代表之程序參與外，並應經其同意
- 16 甲公司為使員工更了解國際金融趨勢，提供員工參加相關課程之機會；乙男與丙女受僱於甲公司之同一單位，主管丁以丙身為女性下班後仍需照顧小孩為由，將該名額直接給予乙，下列敘述何者正確？
(A)丙確實必須照顧小孩，故無差別待遇之情形
(B)教育訓練不得因性別而有差別待遇
(C)教育訓練並非工作，故不屬性別工作平等法之規定事項
(D)照顧小孩是丙的私事，與性別工作平等法無關
- 17 雇主終止勞動契約，依勞動基準法必須預告者，下列敘述何者正確？
(A)勞工繼續工作 3 個月以上 1 年未滿者，應於 30 日前預告之
(B)勞工於接到預告後，為另謀工作得於工作時間請假外出，請假期間雇主不必給付工資
(C)除另謀工作外，預告期間勞工不得再依勞工請假規則請假
(D)雇主未依法律規定期間預告而終止契約者，應給付預告期間之工資
- 18 甲公司透過所控制或營運之系統或網路，以有線或無線方式，提供資訊傳輸、發送、接收，及於前開過程中之中介及短暫儲存之服務，而其客戶經查涉嫌侵害他人之著作權，下列敘述，何者非屬該公司得主張免責之要件？
(A)所傳輸資訊，係由使用者所發動
(B)所傳輸資訊，係由使用者所請求
(C)資訊傳輸、發送、連結或儲存，係經由自動化技術予以執行，公司未曾就傳輸之資訊為任何篩選或修改
(D)未直接自使用者之侵權行為，獲有財產上利益
- 19 依據消費者保護法規定，關於消費者健康與安全之保障，下列敘述何者錯誤？
(A)商品具有危險性者，應於明顯處為警告標示及緊急處理危險之方法
(B)從事改裝、分裝商品或變更服務內容之企業經營者，若對於損害之防免已盡相當之注意，或縱加以相當之注意而仍不免發生損害者，不須與設計、生產、製造商品或提供服務之企業經營者，負連帶賠償責任
(C)商品或服務不得僅因其後有較佳之商品或服務，而被視為不符合商品流通進入市場或服務提供當時，科技或專業水準可合理期待之安全性
(D)企業經營者所為必要之處理，若足以除去商品或服務對消費者安全與健康之危害，即不須回收該批商品或停止其服務
- 20 關於構成要件故意的敘述，下列何者錯誤？
(A)故意必須於行為時存在
(B)故意的行為人必須對於構成犯罪事實的發生有所認知
(C)故意包含對於客觀處罰（可罰性）條件的認知
(D)故意可分為直接故意與未必故意（間接故意）
- 21 關於刑法第 277 條第 2 項犯傷害罪致人於死之罪名，下列敘述何者正確？
(A)視同殺人罪，但得減輕其刑 (B)屬於加重結果犯
(C)屬行為與結果具有牽連關係之牽連犯 (D)屬於具體危險犯
- 22 關於有權代理，下列敘述何者錯誤？
(A)代理行為所生法律關係之當事人為本人與相對人
(B)代理行為的效力直接歸屬本人
(C)有效的代理權授與，應經代理人同意
(D)代理權的限制，不得對抗善意第三人
- 23 依據民國 97 年 5 月 23 日修正公布之民法親屬編規定，下列有關結婚要件的敘述，何者錯誤？
(A)改採登記婚主義
(B)男女當事人應經戶政機關結婚登記，始成立婚姻
(C)民法修正前有舉辦結婚儀式，仍應再辦理結婚登記，否則婚姻無效
(D)重婚雖屬無效，但重婚的雙方當事人善意無過失者，仍可成立有效婚姻

- 24 下列何種行為，受輔助宣告之人不必得輔助人之同意而能發生效力？
(A)出租房屋 (B)為保證行為 (C)拋棄繼承權 (D)購買自行車
- 25 下列何者，係由平等原則衍生而來？
(A)信賴保護原則 (B)誠實信用原則 (C)裁量無瑕疵原則 (D)行政自我拘束原則
- 26 法律限制曾有強盜罪前科者，不准辦理營業小客車駕駛人執業登記。此一規定限制了人民的何種憲法權利？
(A)工作權 (B)訴訟權 (C)出版自由 (D)服公職權
- 27 辦理律師、會計師等專門職業及技術人員之考試，是那一個政府機關的職權？
(A)行政院 (B)考試院 (C)監察院 (D)總統府
- 28 依據憲法第 170 條規定：「本憲法所稱之法律，謂經立法院通過，總統公布之法律。」此為下列何種解釋方式？
(A)立法解釋 (B)司法解釋 (C)學理解釋 (D)特別解釋
- 29 下列何種自治法規，應經地方立法機關審議通過？
(A)嘉義縣遊民安置輔導自治條例 (B)新北市各區公所組織規程
(C)苗栗縣農藥販賣業執照申請及核發辦法 (D)臺南市新化區文化場館場地使用收費標準
- 30 下列有關公法與私法之敘述，何者錯誤？
(A)我國中央法規標準法未明定公法與私法之區別 (B)公法與私法之區別源自羅馬法
(C)公法與私法之區別並非法理上絕對必要 (D)行政機關與人民間之法律關係皆為公法關係
- 31 The President urges other political circles to stop _____ in the internal affairs of sovereign nations.
(A) meddling (B) attempting (C) declaring (D) legislating
- 32 The family that just moved into the community treated their neighbors with cold _____ even when they were greeted warmly.
(A) significance (B) indifference (C) distinction (D) constitution
- 33 Alex told Alice he really admired her paintings, and she returned the _____ by saying she was a fan of his sculptures.
(A) retrenchment (B) compliment (C) supplement (D) detachment
- 34 The major negative effect on the environment is that overconsumption is _____ the world's natural resources.
(A) depleting (B) deporting (C) deploying (D) deploring
- 35 The Japanese are said to have a penchant for adopting foreign cultures. They blend them with traditions and then develop a distinctive mix of both.
(A) The Japanese are not very good at adapting to foreign cultures; they are very traditional in their ways.
(B) The Japanese language is a distinctive blend of traditional and foreign vernacular.
(C) The Japanese are adroit at incorporating foreign cultures into their traditions and developing a distinctively hybrid way of life.
(D) The Japanese include foreign cultures in their way of life but keeps them separate from their traditions.

請依下文回答第 36 題至第 40 題：

What causes autism is a mystery.

One 36 is that a phenomenon called the cellular-danger response (CDR) lies at the root of it.

The CDR makes cells put their ordinary activities 37 and instead switch on their defence systems, in reaction to high levels in the bloodstream of chemicals called purines.

These are important and widespread 38: ATP, a molecule that shuttles energy around cells, is a purine; so are half the "genetic letters" in DNA. Cells under viral attack tend to shed them. Too many of them in the blood can thus be a signal of viral infection. In that case 39 the CDR makes perfect sense. But studies have shown that people with autism (and also those with some other brain conditions, such as schizophrenia) often seem to have chronic CDR. The purine signal has somehow 40 in the "on" position. Yet why this happens is obscure.

- 36 (A) theorem (B) theory (C) axiom (D) adage
37 (A) on hold (B) hold on (C) check on (D) on duty
38 (A) subsistence (B) supports (C) substances (D) existence
39 (A) attacking (B) activating (C) arresting (D) avenging
40 (A) got stuck (B) got started (C) got assigned (D) got attacked

請依下文回答第 41 題至第 45 題：

Exactly what constitutes smart living is a matter of conjecture as various aspects of life continue to become digitalized. Some might call their homes smart just because they 41 security service companies that can provide long-distance protection. However, for others, a smart home should have additional features, such as energy-saving 42. Similarly, a vehicle equipped with a GPS 43 device is smart for some drivers. Nevertheless, others may think smart cars should be able to plan the route to the destination and 44 traffic congestion. As far as smart living is 45, the sky is the limit. Before the increasingly ICT-enabled world can fully satisfy all users, there shall always be room for development and improvement. Smart living may no longer be a dream.

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|----|---------------------|-----------------------|----------------------|------------------------|
| 41 | (A) is connected to | (B) is connected from | (C) are connected to | (D) are connected from |
| 42 | (A) fusions | (B) functions | (C) factions | (D) foundations |
| 43 | (A) navigate | (B) propagator | (C) propagate | (D) navigation |
| 44 | (A) avoid | (B) develop | (C) fasten | (D) involve |
| 45 | (A) confined | (B) concurred | (C) concerned | (D) concluded |

請依下文回答第 46 題至第 50 題：

I sat in on an English lesson at the Gamal Abdel Nasser Secondary School. The Scottish instructor—one of three Britons employed in the Yemeni school system—was drilling the class in the difference between the “present simple” and the “present continuous”. There were twenty very thin, very eager boys aged between about fourteen and twenty-two. They were part of that tiny educated leaven in a country which has an illiteracy rate of ninety percent, and they had tense, ambitious faces. They had been trained to compete continually against each other, so that the lesson turned into a kind of noisy greyhound race. The moment that the instructor was half-way through a question, his voice was drowned by shouts of “Teacher! Teacher! Teacher!” and I lost sight of him behind the thicket of urgently raised hands. If a student began to stumble over an answer, the others fought to grab the question for themselves, bellowing for the teacher’s attention. I once taught for a term at a comprehensive school in England: had the children in my class ever shown a small fraction of the enthusiasm displayed by these Yemeni students, I might have stayed in the job a great deal longer. They were ravenous for the good marks and certificates which would take them out of their villages and tenements, and they behaved as if every minute spent in the classroom could make or break them.

- 46 What is the narrator’s current profession?
- (A) He is an English instructor.
 (B) He teaches at the Gamal Abdel Nasser Secondary School.
 (C) He is a student in Yemen.
 (D) The narrator does not mention it.
- 47 What did the narrator do in Yemen?
- (A) He taught English Grammar.
 (B) He studied how to become an English instructor.
 (C) He observed English teaching at a Yemeni school.
 (D) He issued certificates to students studying to become an English teacher.
- 48 Which statement describes the study environment at Yemen?
- (A) It is rich in intellectual training and social resources.
 (B) It is fiercely competitive in the greyhound race.
 (C) It is a country with only ten percent of its population educated.
 (D) It is an environment in which the students are not interested in learning English.
- 49 From the passage, what are the students’ learning attitudes?
- (A) They believe that education is the only way to success.
 (B) They believe that education will help them travel to other villages.
 (C) They receive education to become teachers.
 (D) The students are indifferent to education.
- 50 What is the main purpose of this passage?
- (A) To introduce tourism and sightseeing in Yemen.
 (B) To raise funds for Yemeni schools.
 (C) To show Yemeni students’ enthusiasm for education.
 (D) To encourage more English instructors to teach in Yemen.