

102年公務人員特種考試司法人員考試試題

等 別：三等考試

類 科：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 依現行法律規定，考試院院長、副院長、考試委員之任期為幾年？
(A)無規定 (B) 3 年 (C) 4 年 (D) 6 年
- 2 下列何者屬於司法院之職權範圍？
(A)公務員彈劾事項 (B)公務員考績事項 (C)公務員懲戒事項 (D)公務員銓敘事項
- 3 下列何者不隸屬於司法院？
(A)臺北地方法院 (B)公務員懲戒委員會
(C)公務人員保障暨培訓委員會 (D)最高行政法院
- 4 依憲法增修條文規定，我國目前立法院之立法委員總人數為：
(A) 225 人 (B) 123 人 (C) 115 人 (D) 113 人
- 5 依現行法規定，下列何者之任命須經立法院同意？
(A)國家通訊傳播委員會委員 (B)行政院院長
(C)財政部部長 (D)法務部部長
- 6 依憲法增修條文規定，立法院經總統解散後，應至遲於幾日內舉行立法委員選舉？
(A) 60 日 (B) 50 日 (C) 40 日 (D) 30 日
- 7 下列何者得對於行政院院長提出不信任案？
(A)總統 (B)監察院 (C)立法院 (D)司法院
- 8 依國家賠償法之規定，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，國家應負損害賠償責任。此之責任係屬何種性質？
(A)微過失責任 (B)輕過失責任 (C)重過失責任 (D)無過失責任
- 9 依憲法第 24 條規定，公務員違法侵害人民之自由或權利者，應負一定之責任。上開公務員應負之責任不包括：
(A)民事責任 (B)刑事責任 (C)懲戒責任 (D)政治責任
- 10 騎樓提供公眾通行使用是限制所有人何種基本權？
(A)財產權 (B)居住自由 (C)人格權 (D)生存權
- 11 下列何者不在宗教自由之保障範圍？
(A)宗教募款之自由 (B)宗教儀式之自由
(C)宗教教義形成及傳布之自由 (D)請求國家給予適當之促進與獎勵
- 12 法律對藥物廣告內容設限，主要係限制人民何項基本權？
(A)言論自由 (B)藝術自由
(C)人格發展自由 (D)憲法第 22 條之概括自由
- 13 新聞自由為我國憲法所保障之何種自由權利之落實？
(A)言論自由 (B)財產權 (C)生存權 (D)參政權
- 14 公職人員選舉罷免法所規定之選舉、罷免訴訟，其審判權屬：
(A)憲法法庭 (B)普通法院
(C)行政法院 (D)中央選舉委員會附設之選舉法庭
- 15 下列何種公職不受連選得連任一次之限制？
(A)直轄市長 (B)縣市長 (C)鄉鎮市長 (D)村里長
- 16 依地方制度法，有關自治條例之敘述，下列何者正確？
(A)係經地方立法機關通過，並由各該行政機關公布
(B)由地方議會決定是否冠以地方自治團體之名稱
(C)訂定罰鍰之處罰，最高以新臺幣 30 萬元為限
(D)地方立法機關議決後立即生效，無須核定或備查
- 17 中華民國憲法第 140 條規定「現役軍人不得兼任文官。」，請問使用何種法律解釋方法，可得「非現役軍人可兼任文官。」之解釋結果？
(A)反面解釋 (B)歷史解釋 (C)比較法解釋 (D)目的解釋

- 18 甲公司於公開招標須知中載明：「開標結果，以所投之標符合規定，並以標價達公告底價（含平底價）之最高標價為得標」，其法律性質為：
(A)預約 (B)要約之引誘 (C)承諾 (D)要約
- 19 下列關於信賴保護原則的說明，何者錯誤？
(A)信賴保護之基礎可以是具體的行政行為，也可以是抽象的行政行為
(B)對於人民的信賴，必須要完全的加以補償或保障
(C)對於行政處分之作成，當事人提供不正確資料者，其信賴不值得保護
(D)法規制定過渡條款，亦屬對於民眾信賴的保護
- 20 大法官的職權不包括下列何者？
(A)審理公務員之彈劾案 (B)統一解釋法令
(C)審理政黨違憲之解散事項 (D)解釋憲法
- 21 甲向乙購買便當及飲料，甲交付百元鈔票一張於乙後，乙交給甲便當一個及飲料一杯。問甲乙間共作成幾個物權行為？
(A)一個 (B)二個 (C)三個 (D)四個
- 22 民法關於拋棄繼承之規定，下列敘述何者錯誤？
(A)拋棄繼承應以書面表示之
(B)拋棄繼承應向法院表示之
(C)拋棄繼承自拋棄繼承時起，發生拋棄之效力
(D)同一順序或同為繼承之繼承人均拋棄繼承時，由次順序之繼承人當然繼承
- 23 以下何者，管理人可以請求無因管理的費用支出？
(A)醫師救助路邊重傷民眾 (B)海鷗救難隊救助海難漁民
(C)警察為受害人捉小偷 (D)119 勤務中心救助即將生產的孕婦
- 24 下列夫妻間之權利義務，何者無須經夫妻雙方特別約定？
(A)妻冠夫姓 (B)自由處分金之給付
(C)夫妻互為日常家務之代理人 (D)以夫之住所為夫妻之共同住所
- 25 甲為 13 歲之少年，某日在網咖偷竊鄰桌的手機而被捕，試問下列有關對甲科處刑責之敘述，何者正確？
(A)甲未滿 14 歲，其行為雖不罰，但得令入感化教育
(B)甲未滿 14 歲，其行為雖不罰，但仍得令其入監服刑
(C)甲未滿 14 歲，但仍可判甲竊盜罪有罪，並令其入監服刑
(D)甲未滿 14 歲，但仍可判甲竊盜罪有罪，且得令其接受感化教育
- 26 下列關於不得科處死刑之敘述，何者正確？
(A)滿 75 歲人犯罪者，不得科處死刑 (B)未滿 20 歲之人犯罪者，不得科處死刑
(C)滿 80 歲人犯罪者，不得科處死刑 (D)未滿 21 歲之人犯罪者，不得科處死刑
- 27 公司法下規定有四種公司，但家數最多的為股份有限公司與有限公司。下列關於此二種公司之敘述，何者錯誤？
(A)股份有限公司採取授權資本制，而有限公司則應於公司成立時即繳足章程所訂資本總額
(B)股份有限公司一股一表決權，而有限公司原則上是一股東一表決權，除非章程訂定按出資比例分配表決權
(C)公司法已經取消有限公司的最低實收資本額規定，但仍保留股份有限公司最低實收資本額之規定
(D)股份有限公司股東會選出監察人為監督機關，有限公司則由不執行業務股東行使監察權
- 28 下列關於著作財產權授權之敘述，何者正確？
(A)被授權人於授權範圍內均得再授權第三人利用
(B)專屬授權後，著作財產權人於授權範圍內不得再授權他人利用著作
(C)專屬授權後，著作財產權人於授權範圍內仍得利用著作
(D)如有侵害事件發生，無論為專屬授權或非專屬授權，均須由著作財產權人為訴訟上之行為
- 29 下列有關全民健康保險性質之敘述，何者為正確？
(A)為任意保險 (B)為商業保險 (C)為強制之社會保險 (D)為第三人強制責任保險
- 30 各縣市或直轄市之家庭暴力防治主管機關，依家庭暴力防治法應於下列何處設置家庭暴力事件服務處所，為家庭暴力之被害人提供各項諮詢或服務？
(A)各地方法院 (B)各派出所 (C)各地方政府社會局 (D)各民間婦女團體
- 31 After the Civil War began, Lincoln's efforts to _____ the slavery issue proved futile.
(A) confuse (B) compose (C) defuse (D) impose
- 32 When our ancestors received the land from the bountiful hand of Nature, it was _____ with a magnificent and all-pervading supply of valuable wild creatures.
(A) embraced (B) endorsed (C) endowed (D) erased

- 33 The terms “blue collar” and “white collar” are occupational _____ that distinguish workers who perform manual labor from workers who perform professional jobs.
(A) engagements (B) classifications (C) recognitions (D) acknowledgments
- 34 While we may notice slight _____ in our eye color depending on our emotional state or what we wear, our eye color generally remains the same throughout our lives.
(A) contradictions (B) flexibilities (C) similarities (D) variations
- 35 To avoid mixed-proficiency groups, the school used an English placement test to ensure that students in each English class were _____ in their English proficiency.
(A) heterogeneous (B) homogeneous (C) rudimentary (D) supplementary
- 36 Football is fun to watch because of its fast-paced action, but much of the sport’s _____ is in the excitement brought by the marching bands, cheerleaders, and costumed mascots.
(A) appeal (B) capacity (C) gratitude (D) headline
- 37 College students worry about the uncertainty of entering the labor market during a _____ when economic activity slows down and the unemployment rate rises.
(A) cycle (B) deadline (C) deficit (D) recession
- 38 We must remind you that smoking is in _____ of the fire regulations and the Health and Safety Act.
(A) contravention (B) convention (C) conviction (D) contribution
- 39 The specter of politicians and judges meddling in the most private and intimate spheres of our lives is deeply unappealing.
(A) No one would welcome the prospect that our private and intimate affairs are interfered by politicians and judges.
(B) Politicians and judges are not supposed to interfere with the private affairs of our lives except in the court of appeal.
(C) It is very unpleasant to know that politicians and judges are granted unquestionable authority over our private lives.
(D) The job of supervising the private and intimate lives of politicians and judges is very unattractive.
- 40 The risk of death is enticing, because it reminds people that they are alive.
(A) The living people do not like to take the risk pertaining to death.
(B) People are allured to risk death with their awareness of being alive.
(C) People who are living often anticipate death when they have to take any risks.
(D) The risk of death can often be avoided, for it enhances living people’s potential.
- 41 Linguistically the Jicarillas are of the same stock as the Apache of Arizona; but here the relationship ceases, for the two peoples have virtually no knowledge of each other.
(A) Although the Arizona Apache and the Jicarillas share the same linguistic root, they are actually unaware of each other.
(B) The language of the Jicarillas is similar to that of the Arizona Apache, but the relationship between the two groups came to an end because they failed to understand each other.
(C) The languages of the Jicarillas and the Arizona Apache have many common features, but the two groups no longer share the same virtues.
(D) The Jicarillas and the Arizona Apache have not only a common linguistic root but also similar social and cultural backgrounds.
- 42 It does not take a university doctorate to surmise that tearing up a Koran is sacrilegious.
(A) Tearing up a Koran is blasphemous and does not need a Ph.D. to do it.
(B) You need to be a doctor to tear up a Koran without committing a profane act.
(C) You don’t have to be an intellectual to know that tearing up a Koran is blasphemous.
(D) Tearing up a Koran is a profane act if you have a doctoral degree from a university.
- 43 Without a forgiving nature, there is little a poor memory can do to help one forgive and forget.
(A) It takes more than a poor memory to forgive other people and forget the hateful things they did to us.
(B) Even with a poor memory, we won’t be able to forgive others for the hateful things they did to us unless we have a forgiving nature.
(C) A forgiving nature and a poor memory work hand in hand to help people forgive others for the hateful things they did to us.
(D) Even before we can truly forgive others, it will be hard for us to forget the hateful things they did to us.

Do you wear a mask? I'm not talking about a Halloween mask of the killer from *Scream* or anything. I'm talking about going out of your way to look different on the outside than how you feel on the inside. These masks can be made up of many different things: the way you dress, the way you act, and the people you hang out with.

I used to wear many masks. I decided how I wanted to be perceived, and then did what I needed to do to get that image across, whether it was wearing certain clothes, or laughing at things that weren't funny, or hanging around with a certain group of people even if they weren't the ones I felt I had the most in common with. But at the end of the day, I couldn't change who I was. Wearing these masks just left me feeling more frustrated than ever that I wasn't the person I thought I should be. In fact the person I thought I should be didn't exist.

I've finally stopped wearing masks, and realized it's a lot easier to breathe without doing it through a piece of plastic. The best part is to find that people actually like me for who I am, when I let my true colors show.

44 What was the reason for the author to wear masks?

- (A) Celebrating Halloween (B) Letting his true colors show
(C) Feeling pressure from his parents (D) Wanting to be somebody else

45 According to the author, which of the following best serves as an example of wearing masks?

- (A) Wearing comfortable clothes (B) Speaking what one disbelieves
(C) Laughing at things that are funny (D) Hanging out with people one likes

46 Why did the author feel frustrated when wearing masks?

- (A) The way he or she wanted to act did not exist.
(B) The person he or she wanted to be did not exist.
(C) The clothes he or she wanted to wear did not exist.
(D) The people he or she wanted to make friends with did not exist.

47 What does the underlined phrase "a piece of plastic" in the last paragraph refer to?

- (A) A piece of cloth (B) An oxygen mask (C) A fake self-image (D) A Halloween make-up

第 48 題至第 50 題為篇章結構，各題請依文意，從四個選項中選出最合適者，各題答案內容不重複

While the appeal of a renewable, home-grown alternative to foreign oil has put ethanol front and center in US energy policy discussions, the fuel still faces critics who question its feasibility as a replacement for oil and its impact on the environment.

Ethanol is an alcohol-based fuel generally made from the starch or sugars in crops like corn, barley, sugar cane, and sugar beets. Almost all of the ethanol produced in the United States comes from corn, while Brazil—the second-largest producer of ethanol—uses sugar cane. 48

Ethanol use has increased in the past decade. It is now available at nearly 1,200 pumps in the States. 49 President Bush called in January 2007 for mandatory alternative fuel use to grow to 35 billion gallons by 2017.

However, not all analysts think that ethanol is the answer to America's energy needs, despite increased ethanol use. While proponents stress ethanol's benefits for reducing dependence on fossil fuels, critics say that it takes a significant amount of "old" energy resources to produce it. Moreover, to support ethanol production, American government provides a 51-cent subsidy to refineries for every gallon of ethanol blended into gasoline. Critics say that government support has increased pressure on corn production, while driving up the cost of corn and diverting an increasing proportion of the corn crop for the fuel.

50 In Mexico, the price of tortillas, traditionally made with corn and a staple of the Mexican diet, tripled during the latter half of 2006, according to a recent *Washington Post* article. Another expert also expressed concern that the demand for sugar cane for ethanol could result in the destruction of the Amazon rainforest.

48 (A) The money to be made from ethanol is driving farmers to plant more corn and switch lands from other crops.

- (B) Ethanol also can be made from materials such as wood and grasses.
(C) The boom in corn demand helps boost the farm economies in many states.
(D) The ripples of rising corn prices have also spread beyond America's borders.

49 (A) Ethanol also can be made from materials such as wood and grasses.

- (B) Just last year alone, the United States produced almost 5 billion gallons of the fuel.
(C) That number will likely grow.
(D) The ripples of rising corn prices have also spread beyond America's borders.

50 (A) The ripples of rising corn prices have also spread beyond America's borders.

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(D) The boom in corn demand helps boost the farm economies in many states.