

106年公務人員普通考試試題

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 依司法院釋字第 392 號解釋，關於憲法第 8 條所稱之司法機關與法院，下列敘述何者正確？
(A)憲法第 8 條第 1 項所規定之「司法機關」，僅指憲法第 77 條規定之司法機關，不包括檢察機關
(B)廣義之法院係指國家為裁判而設置之人及物之機關，此即組織法上意義之法院，不包括檢察機關
(C)由法院依法定程序審問，此處法院指有審判權之法官所構成之獨任或合議之法院
(D)賦予檢察官撤銷羈押或其他有關羈押被告各項處分之權，符合憲法第 8 條人身自由保障之意旨
- 2 政府為幫助失業者而採取下列措施，何者非屬憲法之要求？
(A)政府廣設職業訓練中心，增加失業者之職業專長 (B)政府設置創業補助基金，以鼓勵失業者積極創業
(C)政府給予失業者失業救助，保障其基本生活需求 (D)失業者請求政府給予特定工作時，政府不得拒絕
- 3 依司法院大法官相關解釋，下列何者不屬於憲法財產權保障範圍？
(A)保險醫事服務機構向保險人申報其所提供醫療服務之點數，行使本於全民健康保險法有關規定所生之公法上請求權
(B)都市更新範圍內，其土地及合法建築物所有權
(C)921 緊急命令中的緊急慰助之給付
(D)政府採購得標廠商未進用一定比例原住民所繳之代金
- 4 公平交易法禁止企業任意結合造成市場壟斷之情形，符合憲法規定之何種精神？
(A)保障私有財產 (B)尊重行為自由 (C)發展公營事業 (D)有效節制資本
- 5 依據司法院釋字第 574 號解釋，下列何者為憲法第 16 條訴訟權之核心內容？
(A)訴訟審級制度 (B)律師強制代理制度
(C)符合正當法律程序之法院救濟 (D)提起上訴之要件
- 6 總統副總統選舉罷免法規定，非政黨推薦之總統與副總統候選人須取得一定人數的連署並繳交保證金。依司法院釋字第 468 號解釋，下列敘述何者正確？
(A)關於繳交保證金之規定，過度限制候選人之財產權，違憲
(B)關於繳交保證金之規定，立法者享有不受限制之形成空間，合憲
(C)關於連署之規定，未違反平等原則，合憲
(D)關於連署之規定，過度限制人民之被選舉權，違憲
- 7 辦理監所管理員考試，預計以男女比例二比一的名額錄取，下列敘述何者正確？
(A)以性別為考試錄取之劃分標準，不違反男女平等原則
(B)如有工作上特性之需求，以性別為合理差別待遇之標準，則無違平等原則
(C)現代科技發達，變性手術並不困難，以性別為標準並無過分之處
(D)平等權禁止任何以性別為區分標準的措施
- 8 依司法院釋字第 371 號解釋，採用成文憲法之法治國家，建立法令違憲審查制度，其目的係為保障憲法在規範層級中之何種特性？
(A)時間性 (B)完整性 (C)可變性 (D)最高性
- 9 憲法有關基本教育之規定，下列敘述何者正確？
(A)基本教育所需之書籍，全部由政府免費提供 (B)6 歲至 18 歲之國民一律受基本教育
(C)受基本教育之學生免納學費 (D)已逾學齡未受基本教育之國民，無須受補習教育
- 10 下列何種措施，與憲法增修條文第 10 條第 1 項國家應促進產業升級之規定無直接關聯？
(A)制定促進產業升級條例 (B)推動大學與企業產學合作
(C)補助產業研發經費 (D)修訂工會法，放寬組織工會之限制
- 11 下列何者非屬水、電、郵遞、交通運輸等事業，在憲法上之共通特徵？
(A)皆為與國民基本生存照護有關之事業 (B)應由國家與國民共同經營
(C)該等事業均屬公用事業 (D)該等事業經法律許可者，得由國民經營之
- 12 如警察大學於招生簡章中規定，身上有刺青者不予錄取。考生甲認為此規定與憲法之精神有違，下列主張中何者最可能成立？
(A)招生簡章侵害人民之名譽權 (B)招生簡章侵害人民接受國民教育之權利
(C)招生簡章侵害人民平等接受教育之權利 (D)招生簡章侵害人民應考試之權利

- 13 關於依法行政原則之敘述，下列何者錯誤？
(A)屬於法治國原則內涵之一 (B)蘊含有民主國原則之精神
(C)為立法權對行政權制衡之一種機制 (D)法院對於依法行政原則不具司法控制權
- 14 依憲法增修條文規定及司法院大法官解釋意旨，關於全國不分區及僑居國外國民立法委員之敘述，下列何者錯誤？
(A)立法委員之人數固定
(B)立法委員之任期 4 年
(C)百分之五政黨席次分配門檻之規定，已經司法院大法官宣告違憲
(D)各政黨當選名單中，婦女不得低於二分之一
- 15 關於國民主權之敘述，下列何者錯誤？
(A)國民主權為民主原則之核心內涵
(B)在國民主權下，並無實施代議民主制度之空間
(C)根據司法院大法官之解釋，國民主權原則不容以修憲之方式予以變更
(D)人民選舉、罷免、創制及複決權之行使，為國民主權之展現方式
- 16 法官在審理民事案件時得援引習慣，下列何者非屬前述習慣之要件？
(A)須社會上有反覆的慣行 (B)社會上成員對該習慣有法的確信
(C)習慣之內容須為法律明文規定的事項 (D)習慣不違背公共秩序以及善良風俗
- 17 下列何者非屬司法機關適用法律之原則？
(A)不得拒絕適用法律 (B)不得拒絕審判 (C)得主動審理 (D)適用不告不理原則
- 18 下列何者受我國憲法表現自由之保障？
(A)講學自由 (B)經濟自由 (C)遷徙自由 (D)勞動自由
- 19 有關憲法上名譽權保障，下列敘述何者錯誤？
(A)名譽權保障之本旨，在維護個人之主體性及人格之完整
(B)名譽權之保障，係實現人性尊嚴所必要
(C)名譽權為列舉權之衍生權利，受我國憲法第 11 條之保障
(D)為保障名譽權，法律得對言論自由依其傳播方式為合理之限制
- 20 下列何種保護令不屬於家庭暴力防治法所明定之保護令之範疇？
(A)通常保護令 (B)暫時保護令 (C)緊急保護令 (D)刑事保護令
- 21 性別工作平等法之中央主管機關為下列何者？
(A)勞動部 (B)內政部社會司 (C)行政院性別工作平等會 (D)衛生福利部
- 22 根據全民健康保險法第 51 條規定，下列那一項目可以列入全民健保保險給付範圍？
(A)指定醫師、特別護士及護理師 (B)管灌飲食以外之膳食、病房費差額
(C)精神病照護的日間住院 (D)病人交通、掛號、證明文件
- 23 根據勞動基準法第 7 條第 2 項規定，雇主應置備勞工名卡，而勞工名卡應保管至勞工離職後多少年？
(A)10 年 (B)8 年 (C)5 年 (D)3 年
- 24 受著作權保護之著作須具備下列何種要件？
(A)原創性 (B)新穎性 (C)進步性 (D)藝術性
- 25 下列何者在現行刑法中並非絕對不罰？
(A)依法令之行為 (B)不能發生結果又無危險之行為
(C)未滿 16 歲人之行為 (D)有正當理由而無法避免不知法律
- 26 不能未遂之法律效果如何？
(A)得減輕 (B)必減輕 (C)減輕或免除其刑 (D)不罰
- 27 假釋中因故意更犯罪，受有期徒刑以上刑之宣告者，於判決確定後 6 月以內，撤銷其假釋。但假釋期滿，超過幾年不得撤銷假釋？
(A)1 年 (B)2 年 (C)3 年 (D)5 年
- 28 下列何者非民法姻親關係消滅的原因？
(A)裁判離婚 (B)婚姻的撤銷 (C)和解離婚 (D)夫妻一方死亡後再婚
- 29 便利超商貨架上標有新款巧克力價格陳列，此種意思表示稱為？
(A)要約 (B)要約引誘 (C)承諾 (D)預約
- 30 下列何種契約為無償契約？
(A)承攬契約 (B)僱傭契約 (C)行紀契約 (D)使用借貸契約

- 31 The majority of advertising for cosmetics and other beauty products is _____ female customers.
(A) bought for (B) to neglect (C) to attack (D) aimed at
- 32 Dickens was the first important English novelist to write from the child's point of view and to take the child's _____.
(A) walk (B) play (C) toy (D) side
- 33 Above the territory of a country there is a no-fly zone, in which planes are not _____ to fly.
(A) allowed (B) encouraged (C) exercised (D) applauded
- 34 Taiwan's higher production costs in farming have remained a key obstacle _____ local farmers from competing against imports.
(A) promoting (B) preventing (C) struggling (D) encouraging
- 35 Trying to _____ heroin out of the country, Roger was caught at the airport and put in jail.
(A) purchase (B) shoplift (C) smuggle (D) reproduce
- 36 The pilot was forced to make an _____ landing after his plane hit geese and lost power minutes after takeoff.
(A) operative (B) emergency (C) elaborate (D) affirmative

請依下文回答第 37 題至第 41 題：

American technology companies once led the way in developing innovative products and services. But today many big tech firms seem to have lost their innovation mojo. In 1970, IBM _____ 37 _____ the world's first interchangeable family of computers, the revolutionary System/360 mainframes. It was a _____ 38 _____ bet on innovation that *Fortune* magazine at the time called "IBM's \$5 billion gamble." In today's money, that's the _____ 39 _____ of a \$40 billion wager on innovation—one that incidentally required IBM to cannibalize all its existing revenue-producing product lines. But the bet worked. The System/360 line quickly became the _____ 40 _____ mainframe in the market and the de facto industry standard, ensuring IBM's supremacy in the industry for a generation to come. Back then, it was an axiom of business leadership that today's investments in R&D lead to tomorrow's _____ 41 _____ and profits. But today, this ancient wisdom is in danger of being lost.

- 37 (A) replied (B) recorded (C) reflected (D) released
- 38 (A) bold (B) broad (C) bundle (D) burning
- 39 (A) economy (B) exchange (C) equivalent (D) exhibition
- 40 (A) destined (B) dominant (C) disclosed (D) destructive
- 41 (A) audiences (B) competition (C) discrimination (D) breakthroughs

請依下文回答第 42 題至第 45 題：

"From an evolutionary point of view, we typically don't think of the nose as very important," said Dr. Gary Schwartz, professor of psychiatry and psychology at the University of Arizona. "But it is stuck square in the middle of the face. Why would something that was less relevant to normal activities be so prominent? It implies there is something more important there than we have realized."

Indeed, scientists are learning that fragrance affects us more than previously thought. New research indicates that smells influence our minds, our moods and our bodies. Although we know a great deal about the eyes and ears, we only partly understand smell. According to Charles Wysocki, an olfactory scientist at the Monell Chemical Senses Center in Philadelphia, we do know that an odor is first detected by the olfactory epithelium, a sort of receptor sheet located in the nose. This starts a chain of events that leads to an information flow to the olfactory bulb and limbic system of the brain, which plays a key role in regulating body functions and the emotions. Some of the most significant new findings about smell show that scents can keep people more alert and improve performance of a routine task. *Subjects* tackled a 40-minute vigilance test, which required them to watch a video screen and press a button whenever a certain line pattern appeared. While performing the task, some were intermittently given a whiff of peppermint or lily of the valley through oxygen masks. Scientists discovered that those workers receiving the fragrances performed 25% better than those given only whiffs of pure air. Although it isn't clear exactly how fragrance works, it is believed that this finding may soon have practical applications. Truck drivers, even passenger car drivers, who need to keep alert while traveling long distances, could find it helpful.

- 42 Which is the main idea of this passage?
- (A) Fragrance affects people and smells influence our minds and moods.
(B) The nose stuck in the middle of the face is more important than eyes and ears.
(C) Truck drivers can receive fragrance to keep alert whiling traveling long distances.
(D) Workers given a whiff of peppermint perform better than those given only pure air.

- 43 Where is the olfactory bulb located?
 (A) In the nose (B) In the brain (C) In the ears (D) In the heart
- 44 According to the passage, what are some of the significant new findings about smell?
 (A) Olfactory epithelium is a sort of receptor sheet located in the nose.
 (B) From an evolutionary point of view, the nose is not considered very important.
 (C) Scents can keep people more attentive and improve performance of a routine task.
 (D) Limbic system of the brain plays a key role in regulating body functions and emotions.
- 45 What does the word *subjects* refer to in the sentence “*Subjects* tackled a 40-minute vigilance test”?
 (A) Courses (B) Topics (C) People (D) Activities

請依下文回答第 46 題至第 50 題：

Stop motion involves physically manipulating objects, making them appear to move on their own. The objects are moved in tediously small increments, and each tiny change in their position is photographed. When the series of pictures is played in a continuous sequence, the objects appear to move of their own free will. Because clay is a material that is particularly malleable, it is often used in films that utilize stop motion photography.

The stop motion technique was first put to use in a film called *The Humpty Dumpty Circus* in 1898. Filmmakers used acrobat and animal toys to become pioneers in this new branch of the movie industry. In the 20th century, animators brought stop motion to the masses when the original *King Kong* film hit theaters in 1933. Decades later, Disney experimented with stop motion techniques character, Mickey Mouse, in 1978. Then, in 1993, *The Nightmare Before Christmas*, produced by the delightfully dark Tim Burton, became the first widely released stop motion feature film.

Today, thanks to the Internet, entertaining stop motion films are always just a click away. One of the best the Web has to offer is *T-Shirt War*, which was made by Rhett McLaughlin and Link Neal. In the film, the two men use alternating images on their T-Shirts to push each other’s buttons. In all, it took 222 shirts to make the short video.

Stop motion techniques have also infiltrated music videos, and one of the most impressive is Oren Lavie’s “Her Morning Elegance.” It consists of 3,225 still photographs of actors on a bed, which were shot by a single overhead camera. It took four weeks of meticulous planning *to map out* the computer animated storyboard for the video before a single frame was shot.

In Taiwan, a stop motion animation video caused an online sensation. “Deadline”, a class project by Bang-yao Liu, a student at Savannah College of Art and Design, innovatively used Post-it notes. Bang-yao planned out the changing positions of over 6,000 Post-it notes for three months before beginning his four-day shoot. The moving notes tell the story of a young man dealing with a deadline as monsters, thunderstorms, and a submarine move across the wall in front of his desk. The works of Bang-yao and many other creative filmmakers show that there are no limits to this amazing method of movie making.

- 46 Which of the following is an example of stop motion animation?
 (A) Drawing a cartoon and then publishing it in a magazine.
 (B) Taking several pictures of an object while it is in motion.
 (C) Quickly turning the pages of a book and looking at the words.
 (D) Filming an image, moving it slightly, and then filming it again.
- 47 When was stop motion animation first introduced to the market?
 (A) When *King Kong* was released in 1933.
 (B) When Disney began to use it during the 1970s.
 (C) When *The Humpty Dumpty Circus* was created in 1898.
 (D) When Tim Burton made *The Nightmare Before Christmas*.
- 48 What does the phrase “*to map out*” in this passage mean?
 (A) Plan (B) Fuse (C) Eject (D) Renew
- 49 What is the best title for this passage?
 (A) The End of Animation in Movies. (B) Ways to Bring Motion to Life in Films.
 (C) A Brand New Technology on YouTube. (D) The Unstoppable Art of Stop Motion Animation.
- 50 What does the author suggest about the future of stop motion animation videos?
 (A) These films have already reached their peak. (B) People have already started to get tired of the films.
 (C) He expects to see some new advances in the field. (D) They will gain popularity in Taiwan, but nowhere else.