

112 年特種考試地方政府公務人員考試試題

等 別：四等考試

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答案。

(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 憲法第 14 條所保障之集會自由，性質上係屬下列何種權利之延伸？
(A)人身自由 (B)契約自由 (C)言論自由 (D)遷徙自由
- 2 下列原則何者不具憲法位階？
(A)法律保留原則 (B)法律明確性原則
(C)信賴保護原則 (D)有利不利一體注意原則
- 3 有關民族之敘述，下列何者錯誤？
(A)我國是多民族國家
(B)國家依民族意願，保障原住民族之地位及政治參與
(C)原住民族部落經中央原住民族主管機關核定者為私法人
(D)澎湖、金門及馬祖地區人民，其憲法上之保障同於原住民族
- 4 依司法院釋字第 710 號解釋，對大陸地區人民執行遣返，逾越合理作業期間仍繼續收容，未由法院審查決定，除違反憲法正當法律程序外，亦不符憲法保障下列何項基本權之意旨？
(A)居住自由 (B)遷徙自由 (C)人身自由 (D)一般行為自由
- 5 下列何者曾被司法院大法官解釋認定為違憲？
(A)稅捐稽徵法規定逾期繳納稅捐應加徵滯納金
(B)土地徵收條例未規定土地所有權人因公路穿越地下，至逾越其社會責任所應忍受範圍，得請求需用土地人向主管機關申請徵收地上權
(C)公務人員退休資遣撫卹法將退撫基金共同撥繳費用之基準，提高為 12%至 18%
(D)道路交通管理處罰條例對汽車駕駛人於警鈴已響、閃光號誌已顯示，或遮斷器開始放下時，強行闖越鐵路平交道之行為，處以罰鍰
- 6 關於憲法增修條文規定之不信任案與解散立法院，下列敘述何者錯誤？
(A)立法院得經全體立法委員三分之一以上連署，對行政院院長提出不信任案
(B)不信任案若經全體立法委員二分之一以上贊成者，行政院院長應於 10 日內提出辭職
(C)立法院通過不信任案後，行政院院長得呈請總統解散立法院
(D)不信任案如未獲通過，仍得再次提出
- 7 依司法院釋字第 705 號解釋意旨，財政部所作釋示有關捐贈列舉扣除額金額之計算，依財政部核定之標準認定，以及非屬公共設施保留地且情形特殊得專案報部核定，或依土地公告現值之百分之十六計算部分，係違反下列何者？
(A)明確性原則 (B)不當連結禁止原則 (C)租稅法定原則 (D)平等原則
- 8 依道路交通管理處罰條例規定，汽車駕駛人肇事拒絕接受酒精測試者，警察得對之進行強制採檢。依憲法法庭判決，此規定與下列何項基本權無涉？
(A)人身自由 (B)身體權 (C)隱私權 (D)遷徙自由
- 9 依司法院大法官解釋，有關婚姻與家庭之保障，下列敘述何者錯誤？
(A)婚姻自由之保障，亦包含同性婚姻
(B)婚姻與家庭為社會形成與發展之基礎，受憲法制度性保障
(C)性行為之自由，自應受婚姻與家庭制度之制約
(D)為維護婚姻與家庭，墮胎應得配偶之同意
- 10 依憲法增修條文，有關總統及副總統選舉，下列敘述何者錯誤？
(A)總統、副總統應聯名登記，在選票上同列一組圈選
(B)總統、副總統之當選人應取得投票總數過半數之圈選
(C)總統、副總統之選舉人為中華民國自由地區全體人民
(D)總統、副總統以直接選舉方式行之
- 11 關於立法院之預算議決權，下列敘述何者錯誤？
(A)經立法院通過之法定預算，其形式上與法律相當，但其內容、規範對象及審議方式與一般法律案不同
(B)經立法院通過之法定預算，屬於立法院對於國家機關歲出、歲入及未來承諾之授權規範
(C)立法機關係以民意代表之立場來監督財政支出、減輕國民賦稅負擔，且經由預算之審議，來實現參與國家政策及施政計畫之形成
(D)因施政方針或重要政策變更涉及法定預算之停止執行時，行政機關依其合義務之裁量，自得裁減經費或變動執行，無需向立法院報告

- 12 下列何者非屬考試院之職權？
(A)公務人員之考選、任免 (B)公務人員之銓敘、保障
(C)公務人員之級俸、陞遷 (D)公務人員之懲處、懲戒
- 13 有關法官應受終身職保障，下列敘述何者錯誤？
(A)檢察官與法官均屬憲法第 81 條規定明文適用之對象
(B)懲戒法院院長無終身職之保障
(C)由實任法官轉任之司法院大法官，任期屆滿後仍得享有終身職之待遇
(D)憲法規定法官應受終身職保障，並非意指法官縱有體力衰弱致不能勝任職務時，亦不能停止其原職務之執行而照支俸給
- 14 依憲法訴訟法，關於憲法法庭，下列敘述何者錯誤？
(A)憲法法庭就法規範憲法審查案件，於必要時，得行言詞辯論
(B)憲法法庭應依聲請而舉行言詞辯論
(C)憲法法庭之不受理裁定應附理由
(D)政黨違憲解散之判決，應記載事實與理由
- 15 依現行憲法規定及實務見解，下列何種權力非屬憲法保障之地方自治核心事項？
(A)審計權 (B)人事同意權 (C)營業許可權 (D)制訂規範權
- 16 依立法院組織法第 10 條第 1 項規定，下列何者非立法院依憲法第 67 條規定設置之委員會？
(A)立法院全院委員會 (B)立法院內政委員會
(C)立法院外交及國防委員會 (D)立法院經濟委員會
- 17 房屋租金之債權請求權消滅時效期間為幾年？
(A) 15 (B) 5 (C) 2 (D) 1
- 18 A 法與 B 法就同一事項均有規定，而 B 法制定在後，應適用 B 法規定，係屬下列何種法律適用的原則？
(A)法律不溯及既往 (B)從輕從舊原則 (C)後法優先於前法 (D)情事變更原則
- 19 在現行制度下，下列何者非屬立法權對於行政權的監督方式？
(A)同意行政院院長之任命
(B)質詢行政院院長及各部會首長
(C)對行政院院長提出不信任案
(D)聽取行政院院長或有關部會首長就國家重要政策變更所提出之報告
- 20 甲非法持槍多年，某日與乙口角，遂持該槍射殺乙。關於非法持槍與殺人二罪，依實務見解，應論以何種競合？
(A)法條競合 (B)想像競合 (C)與罰前行為 (D)實質競合
- 21 甲、乙二人一同前往殺丙，並約定由乙壓制丙，甲持刀下手，丙幸而未死。依實務見解，下列敘述何者正確？
(A)乙未實行殺人行為，僅成立幫助犯
(B)甲成立殺人未遂罪之共同正犯，乙成立強制罪之共同正犯
(C)甲、乙所為之行為個別成立不同罪名，無法成立共同正犯
(D)甲已達著手階段，甲、乙二人成立殺人未遂之共同正犯
- 22 有關權利之行使，下列敘述何者錯誤？
(A)權利之行使受憲法保障，法律不能加以限制 (B)權利之行使不得專以損害他人為目的
(C)權利之行使，應依誠實及信用之方法為之 (D)權利之行使不得違反善良風俗
- 23 檢察官張三為取得自白，對犯罪嫌疑人李四說：「再不說實話，就叫警察進來打到你講為止」。李四心生畏懼，遂一一吐實。事後證實，李四所言不假。下列敘述何者正確？
(A)張三的行為構成刑法第 125 條第 1 項之犯罪，因其係有追訴犯罪職務之公務員
(B)張三的行為構成刑法第 125 條第 1 項之犯罪，因其係有審判職務之公務員
(C)張三的行為不構成刑法第 125 條第 1 項之犯罪，因其並未施強暴
(D)張三的行為不構成刑法第 125 條第 1 項之犯罪，因李四所述均屬實

- 24 依我國著作權法規定，下列敘述何者正確？
(A) 甲撰寫一篇時事評論文章投稿於報紙的讀者投書專欄，在甲與報社間無特約之情況下，推定已授與該報紙得多次刊載之權利
(B) 著作財產權的存續期間，一律為該著作公開發表後五十年
(C) 甲在自家之小型家庭聚會時以吉他演奏音樂著作，不屬於著作權法上所稱的公開演出
(D) 以拍攝影片之方式就原著作另為創作，所拍攝之影片為編輯著作，以獨立之著作保護之
- 25 依家庭暴力防治法之規定，下列敘述何者錯誤？
(A) 警察人員處理家庭暴力事件，必要時應查訪並告誡相對人
(B) 社會工作人員在執行職務時知有疑似家庭暴力，應立即通報當地主管機關，至遲不得逾四十八小時
(C) 教育人員為防治家庭暴力行為，有受到身體或精神上不法侵害之虞時，得請求警察機關提供必要之協助
(D) 電視、網際網路，不得報導或記載被害人及其未成年子女之姓名，或其他足以識別被害人及其未成年子女身分之資訊
- 26 關於正、副總統選舉，下列敘述何者正確？
(A) 正、副總統候選人應年滿四十歲，須高級中學以上學校畢業或普通考試以上考試及格
(B) 正、副總統候選人應由政黨推薦或公民連署，但僅經連署之候選人須繳交選舉保證金
(C) 正、副總統候選人應聯名登記，若經審定其中一人資格不符規定，應不准該組候選人登記
(D) 現役軍人不得為正、副總統選舉人
- 27 關於憲法訴訟之當事人及代理人，下列敘述何者錯誤？
(A) 法規範憲法審查案件之當事人為提出聲請之國家最高機關、立法委員、法院或人民
(B) 人民提起憲法訴訟，採律師強制代理制度，以促進憲法法庭審理效率
(C) 機關爭議案件，以聲請之國家最高機關及與其發生爭議之機關為當事人
(D) 法學教授、副教授或助理教授，經憲法法庭審判長許可，得為訴訟代理人
- 28 讓與動產物權，而讓與人仍繼續占有動產者，讓與人與受讓人間，得訂立契約，使受讓人因此取得間接占有，以代交付。此種交付型態，稱之為：
(A) 現實交付 (B) 簡易交付 (C) 占有改定 (D) 指示交付
- 29 甲向乙借用乙所有之 A 車，借用中送去丙處保養，丙保養完畢後，甲未支付保養費用，丙得否留置 A 車？
(A) 可以，因丙對甲之債權與 A 車有牽連關係 (B) 不可以，因甲非 A 車之所有權人
(C) 可以，因丙為善意 (D) 不可以，因甲非故意未支付保養費用
- 30 關於未登記不動產所有權時效取得之要件與法律效果，下列敘述何者錯誤？
(A) 以所有之意思為占有 (B) 和平占有 (C) 公然占有 (D) 取得不動產所有權
- 31 Better medical care, exercise, and a nutritious diet have all contributed to increased _____.
(A) credibility (B) facility (C) longevity (D) hostility
- 32 These plants are able to _____ and produce fruit even with limited sunlight.
(A) vanish (B) revolt (C) thrive (D) linger
- 33 Liars are believed to tend to blink frequently because lying is _____ and makes one nervous.
(A) cheerful (B) light-hearted (C) stressful (D) easy-going
- 34 The meeting finally came to an end when the committee members reached a _____ on adding an additional prize winner.
(A) consultant (B) consensus (C) collision (D) competition
- 35 It is usually not a good time to _____ in the stock market when the economy is in deep recession.
(A) absorb (B) invest (C) oppose (D) shovel
- 36 Schools should train students to think _____ and creatively in order to make sound decisions and solve complex problems.
(A) drunkenly (B) logically (C) miserably (D) seemingly
- 37 Besides serving as a good source of calcium, _____ is also suitable for people who have trouble digesting milk.
(A) luxury (B) muscle (C) option (D) yogurt
- 38 It was pouring and foggy. The weather was so bad that I could _____ see the road.
(A) hardly (B) rather (C) seldom (D) simply
- 39 Firearms _____ nearly 19% of childhood deaths in 2021, according to the Center for Disease Control and Prevention.
(A) counted against (B) accounted by (C) counted down (D) accounted for
- 40 On March 30, 1923, the world's first continuous passenger cruise ship arrived back in New York City after completing a 130-day _____.
(A) voyage (B) volume (C) flight (D) yoga

請依下文回答第 41 題至第 45 題：

The ancient Greeks worshipped their deities by leaving offerings to them in temples, and honored them by holding regular festivals. Much is known about this worship because many of their temples, together with ritual objects and cult statues, have 41, and ancient Greek writers described religious rituals 42 making offerings of food and wine. Worshippers hoped that the deities would look kindly on them 43 return, since most gods and goddesses were said to take a keen interest in human affairs. In the mythical great war between Greece and Troy, for example, every stage of the conflict, together with the final outcome, was influenced as much by the actions of the deities 44 by what the men of the two sides actually achieved on the battle field. The myths of Greece also show this 45 between deities and humans in the guise of numerous heroes. Stories of heroes like Heracles and Jason, involving great adventures and journey as far as the Underworld, have been endlessly retold.

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|----|----------------|-----------------|-----------------|------------------|
| 41 | (A) inspired | (B) relieved | (C) survived | (D) supplied |
| 42 | (A) unlike | (B) such as | (C) in spite of | (D) without |
| 43 | (A) in | (B) from | (C) with | (D) for |
| 44 | (A) as | (B) if | (C) than | (D) though |
| 45 | (A) transition | (B) transaction | (C) interaction | (D) interference |

請依下文回答第 46 題至第 50 題：

The Giver is a story about a young boy called Jonas who lives in a society free of crime, suffering and sadness. There is no color, music or emotion, and individuality is prohibited. Everything is chosen; from your parents to your partner. At 12, children are assigned their jobs, which they will train for and do for the rest of their lives. Jonas is assigned to become the new Receiver of Memory, also known as the Giver. The Receiver holds all the bad and good memories of the past. In other words, no one in the community has any memory of humankind's history.

The storyline is complex enough to hold the attention of both young and old readers. The development of Jonas from a scared boy to someone willing to risk his future to save the community is enjoyable to follow. The story prompts us to reflect on the path of growing up. At first we are scared to accept that there are new responsibilities, but as we slowly get used to it, we want to move more and more away from childhood. What's also impressive is Jonas' loss of trust in his father. At the beginning, Jonas believes his parents completely. However, after the current Receiver shows Jonas the tape of his father killing and disposing of a new born child, Jonas loses his admiration of his father. This moment is what forces Jonas to leave the community. It is symbolic of the change from the innocent mind of a child into the questioning and educated mind of an adult.

The ending is another aspect which makes this book interesting to read. There are two possible meanings behind the ending and readers have a choice in what it means: either Jonas freezes to death on the sled, or he has really found "Elsewhere." The ending shows us that, whatever happens, Jonas has made choices for himself rather than being told what to do.

- 46 What is the characteristic of the society Jonas lives in?
- | | |
|---|---|
| (A) Everyone has a good memory. | (B) Inhabitants love music, color, and art. |
| (C) People are scared of taking responsibility. | (D) Individuality is absent from the society. |
- 47 According to the passage, which part of the book impresses the readers the most?
- (A) Jonas' regret for assisting his father doing his job.
- (B) Jonas' determination to leave the community that abandons him.
- (C) Jonas' change from an innocent boy to an insightful young man.
- (D) Jonas' conquer of his fear of taking over the role of the Receiver.
- 48 Which of the following best describes the nature of the story *The Giver*?
- | | |
|--|---|
| (A) An adventure of two adults. | (B) A romance of a young couple. |
| (C) A ghost story of an ancient society. | (D) An imaginary story of a dark world. |
- 49 Which of the following is one of the moral lessons of *The Giver*?
- (A) Look before you leap and think before you give up.
- (B) Listen to advice and we may gain wisdom in the future.
- (C) We have to decide for ourselves even if choice creates risk.
- (D) Parents' love is the cushion that drives us to take risks in life.
- 50 According to the passage, which of the following statements is true about *The Giver*?
- (A) Adult readers may find it very simple and a little boring.
- (B) Readers are likely to recall what happened in the path of growing up.
- (C) It is based on real people and events and it can inspire readers to think.
- (D) The reviewer recommends reading it slowly because it's thought-provoking.