

102年特種考試地方政府公務人員考試試題

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 地方法院法官於審理案件時，如認其所擬適用之某一法律有違憲之虞，依司法院大法官解釋，得為下列何種處置？
(A)宣告該法律無效 (B)裁定停止訴訟程序，聲請司法院解釋
(C)逕自拒絕適用該法律 (D)仍須依該法律判決
- 2 有關立法院預算審議權之敘述，下列何者錯誤？
(A)預算案經立法院審議通過者稱為法定預算
(B)行政機關依職權停止部分法定預算中部分預算之執行，並不當然構成違法
(C)立法院得提議增加預算支出
(D)法定預算又稱措施性法律
- 3 下列何者非立法委員言論免責權之保障範圍？
(A)立法院內黨團協商之發言 (B)立法院內公聽會之發言
(C)立法院委員會之發言 (D)蓄意傷人之肢體動作
- 4 依司法院大法官釋字第 520 號，法定預算中部分支出項目之停止執行，若涉及國家重要政策變更，行政院應尊重下列何者之權限？
(A)總統之政策主導權 (B)立法院之參與決策權 (C)司法院之違憲審查權 (D)監察院之決算審核權
- 5 下列何者無到立法院委員會備詢之義務？
(A)監察院院長 (B)總統府秘書長 (C)國家安全局局長 (D)考選部部長
- 6 依據傳統國家理論，下列何者不屬於國家組成之基本要素？
(A)主權 (B)國民 (C)領土 (D)稅收
- 7 國家統治權之行使均源自於人民，係屬下列何等原則之內涵？
(A)文化國原則 (B)民主國原則 (C)福利國原則 (D)社會國原則
- 8 下列何人除犯內亂或外患罪外，非經罷免或解職，不受刑事上之訴究？
(A)總統 (B)副總統 (C)立法委員 (D)司法院大法官
- 9 法官於個案裁判時，下列何者得直接拒絕適用？
(A)法官於個案審判，認為違憲之法律 (B)地方自治條例
(C)大學所訂定之自治規章 (D)各機關依其職掌就有關法規為釋示之行政規則
- 10 各種專門職業人員依各該相關法律，非加入專門職業人員公會，不得執業，此一規定係限制專門職業人員的何種基本權利？
(A)集會自由 (B)人身自由 (C)言論自由 (D)職業自由
- 11 依司法院大法官解釋，隱私權雖非憲法明文列舉之權利，但基於下列何者，仍受憲法第 22 條之保障？
(A)資訊公開制度 (B)表意自由 (C)人性尊嚴 (D)人身自由
- 12 依司法院大法官解釋，人民命名自由之權利，應為憲法所保障，此一姓名權係屬下列何種權利之保障？
(A)人格權 (B)財產權 (C)社會權 (D)生存權
- 13 所得稅制採累進稅率而不採比例稅之設計，為憲法何種規定之具體體現？
(A)民生福利國家原則 (B)權力分立原則 (C)生存權保障原則 (D)財產權保障原則
- 14 關於國家賠償法第 2 條第 2 項所稱行使公權力之行為，下列敘述何者正確？
(A)指公務員居於國家機關之地位，行使統治權作用之公法行為
(B)指公務員居於一般人民之地位，行使統治權作用之公法行為
(C)指公務員居於國家機關之地位，行使統治權作用之私法行為
(D)指公務員居於一般人民之地位，行使統治權作用之私法行為
- 15 甲因欠稅而被國家限制出境，係對其何項基本權之限制？
(A)對甲生存權之限制 (B)對甲遷徙自由之限制 (C)對甲人格權之限制 (D)對甲人性尊嚴之侵害
- 16 甲醫院為病人乙實施手術時，未盡告知說明義務，致乙在無從選擇與判斷風險情形之下，進行非必要之高風險手術，致造成殘障傷害。則乙得向甲主張：
(A)不完全給付之損害賠償 (B)給付不能之損害賠償 (C)給付遲延之損害賠償 (D)物有瑕疵之損害賠償

- 17 民法結婚要件自 97 年 5 月 23 日起修正為「應由雙方當事人向戶政機關為結婚之登記」，下列何者並非修正理由？
(A)原儀式婚主義公示效果薄弱，易衍生重婚問題
(B)結婚登記可公示夫妻關係，減少婚外情
(C)原儀式婚主義下，公開結婚儀式的認定常生爭議
(D)離婚採登記主義，衍生結婚未辦登記者，須先補辦結婚登記才可離婚的荒謬現象
- 18 下列關於禁婚親之敘述，何者正確？
(A)繼兄妹間可以結婚
(B)二親等養兄妹間可以結婚
(C)四親等表兄妹間可以結婚
(D)六親等堂兄妹間可以結婚
- 19 我國憲法與增修條文列有諸多基本國策，作為國家施政重要方針，係參考下列何者的法例？
(A)英國憲法
(B)美國憲法
(C)德國威瑪憲法
(D)日本戰後憲法
- 20 依司法院大法官解釋，下列何者違反平等原則？
(A)公營事業人員轉任公務人員後，任職公營事業期間年資之併計退休年資，與公立學校教育人員轉任者規定不同
(B)汽車燃料使用費與使用牌照稅之徵收方式有所不同
(C)中風或其他重症長期臥病在床之醫藥費，以付與各保險特約醫院為限，始得於申報所得稅時列舉扣除
(D)僅對設廠機製之清涼飲料品課徵貨物稅，而未對非設廠機製者課徵貨物稅
- 21 依司法院大法官解釋，有關法律及宗教關係之敘述，下列何者正確？
(A)依釋字第 490 號解釋，人民得主張信仰自由，以宗教之因素拒服兵役，並不受處罰
(B)依釋字第 573 號解釋，監督寺廟條例第 8 條限制寺廟處分或變更其不動產及法物之規定，不違反宗教平等原則
(C)依釋字第 460 號解釋，地上建物供神壇使用，已非土地稅法第 9 條自用住宅，不得減免土地稅之函釋違憲
(D)依釋字第 414 號解釋，言論自由除政治、學術及商業言論外，亦包含宗教言論自由
- 22 下列關於法律適用原則的敘述，何者錯誤？
(A)法律不溯及既往原則
(B)特別法優於普通法
(C)後法優於前法
(D)實體從新，程序從舊
- 23 受有期徒刑之執行而有悛悔實據，且有有期徒刑之執行已逾二分之一，監獄得為受刑人報請下列那一種處分？
(A)緩刑
(B)緩起訴
(C)假釋
(D)易服社會勞動
- 24 業者甲為推銷公司產品，邀請具採購決定權之公務員乙、丙吃飯，飯後並提供兩人性招待，在乙、丙決定採購甲公司產品後，甲又分別致贈兩人現金一筆。下列有關本案之敘述，何者錯誤？
(A)公務員受賄罪為身分犯
(B)身分犯得區分為純正身分犯與不純正身分犯
(C)乙、丙收受之現金，應宣告沒收
(D)甲為不純正身分犯
- 25 刑法第 122 條第 1 項規定「公務員或仲裁人對於違背職務之行為，要求、期約或收受賄賂，或其他不正利益者，處 3 年以上 10 年以下有期徒刑，得併科 7 千元以下罰金。」下列何者並非本條之「公務員」？
(A)取締違規之交通警察
(B)戶政事務所承辦戶籍登記案件之人員
(C)公立醫院負責看診之醫生
(D)民選之縣市議會議員
- 26 債權人對於詐害債權之撤銷訴權，自債務人行為時起，最遲應於幾年內行使？
(A)1 年
(B)5 年
(C)10 年
(D)15 年
- 27 如果某勞工投保勞工保險至今年已有 25 年的年資，若該勞工今年欲退休並領取年金給付，其平均月投保薪資係按該被保險人加保期間最高幾個月之月投保薪資予以平均計算？
(A)30 個月
(B)40 個月
(C)50 個月
(D)60 個月
- 28 消費者保護團體對於同一原因事件，致使眾多消費者受害時，得受讓至少幾人以上消費者損害賠償請求權後，以自己名義，提起訴訟？
(A)20 人
(B)30 人
(C)40 人
(D)50 人
- 29 性別工作平等法中，受僱者為育嬰而得申請留職停薪之規定，下列敘述何者正確？
(A)受僱者任職滿 1 年後，於子女滿 3 歲前，得申請育嬰留職停薪，最長以 3 年為限
(B)受僱者於育嬰留職停薪期間，得繼續參加原有之社會保險，並由雇主繼續繳納保險費
(C)受僱者於育嬰留職停薪期滿後，申請復職時，無須經主管機關同意，雇主即可以虧損為理由拒絕受僱者復職
(D)受僱者於育嬰留職停薪期滿後，申請復職時，雇主若未能使受僱者復職，應於 30 日前通知，並發給資遣費
- 30 依家庭暴力防治法規定，執行人員在執行職務時，知有疑似家庭暴力情事者，應於多久之內通報當地主管機關？
(A)至遲不得超過 5 天
(B)至遲不得逾 72 小時
(C)至遲不得逾 48 小時
(D)至遲不得逾 24 小時
- 31 With support from all the trustees, the motion was _____ approved at the annual board meeting.
(A)acrimoniously
(B)homogeneously
(C)meticulously
(D)unanimously
- 32 Mike started a slow recovery process to _____ at home after being hospitalized for a serious stroke for two months.
(A)conciliate
(B)proliferate
(C)rehabilitate
(D)scintillate
- 33 Color photographs will _____ damage even if we use proper materials and keep the prints in temperature- and humidity-controlled environments.
(A)incur
(B)launch
(C)manipulate
(D)peruse
- 34 Football and baseball may be considered the national pastimes, but rodeo _____ the legacy of the American West.
(A)embodies
(B)foresees
(C)integrates
(D)legitimizes

35 At the age of 22, Yani Tseng became the youngest golf player to win five major championships. She was said to _____ the golf world.

- (A)clench (B)dominate (C)engage (D)humiliate

Animal studies confirm that the relief some of us get from eating sugar is not just psychological—it is an actual brain-chemistry reaction. In one experiment, Blass and colleagues studied two groups of baby mice who were separated from their mothers and left alone for six minutes. Their resulting “isolation distress” was considered to be a kind of animal equivalent to our human version of depression. The depressed mice who were given sugar water cried only seventy-five times during their isolation—as compared to the more than three hundred cries that came from the mice left alone with no sweet treat to alleviate their emotional pain. Apparently, the young mice were literally “medicating” their depression with sugar.

Why did sugar have this remarkable effect? Researchers thought that perhaps the sweet food stimulated the release of extra beta-endorphin molecules. Since these molecules help us cope with physical and emotional pain, the sugar had a literally soothing effect. Researchers confirmed their theory by giving both groups of mice Naltrexone, a drug that blocks beta-endorphin receptors. If you take Naltrexone, it does not matter how many beta-endorphins you release—you will not get any relief from pain. Sure enough, when the sugar-fed mice were given Naltrexone, they lost all interest in the sweet substance, suggesting that their only reason for their sweet tooth had been to stimulate the release of beta-endorphins.

Numbed by Naltrexone, both groups of mice cried equally often. The poor baby mice were still depressed—but now even sugar could not make them feel better.

請依上文回答第 36 題至第 39 題

36 What is the passage mainly about?

- (A)People can medicate their depression with sugar.
(B)Baby mice suffered so much from isolation that they should be given some sweet food to relieve their pain.
(C)The soothing effect of sugar is not just something psychological but has a lot to do with an actual chemical reaction.
(D)The result of the mice experiment suggests that people should take more sweet substances to cope with depression.

37 Which of the following statements about the experiment is true?

- (A)“Isolation distress” was caused by lack of sweet treat.
(B)Sugar helped the depressed mice to cope with isolation distress.
(C)The depressed mice who were given no sugar water all died of depression.
(D)The depressed mice who were given sugar water cried hundreds of times.

38 According to the article, why does sugar have a soothing effect?

- (A)Sweet food can block beta-endorphin receptors.
(B)Sweet food can numb the mice so that they feel no pain.
(C)Sweet food can stimulate the release of beta-endorphins, which help alleviate physical and emotional pain.
(D)Sweet food can stimulate the release of Naltrexone, which helps alleviate physical and emotional pain.

39 How did researchers confirm their theory about the remarkable effect of sugar?

- (A)They stopped feeding both groups of mice any more sugar.
(B)They found that both groups of mice lost interest in the sweet food.
(C)They gave both groups of mice a drug that blocks the release of beta-endorphins.
(D)They measured the amount of beta-endorphins released in the blood of the mice.

40 With the unemployment rate rising, the President has appointed an _____ committee to deal with the problem.

- (A)ad hoc (B)ad infinitum (C)adjacent (D)adjunct

41 After the disastrous flooding in Thailand, the dead poultry and the messy environment are now a _____ threat of infectious disease.

- (A)flattering (B)caculating (C)looming (D)yielding

42 The government officials promised to find out who should have been held _____ for the 250 deaths in the plane crash tragedy.

- (A)accountable (B)discernable (C)indispensable (D)vulnerable

43 The photo awards are not so much about the award winners as about the power of a photograph, simple and unadorned, to tell a story in ways that words cannot.

- (A)The photo awards are given to the winners who can inspire the power of pictures they take.
(B)The photo awards are more a celebration of the power of photographs than the talents of photographers.
(C)The photo awards are given to those who can tell simple and straightforward stories.
(D)Those who cannot tell a story in ways that words cannot will be the winners in the photo contest.

- 44 Poetry is as universal as language and almost as ancient.
(A) Poetry is as universal as language and is almost as old as language.
(B) Poetry is almost as universal as an ancient language.
(C) Poetry is almost as old as a universal language.
(D) Poetry is as old as language and is almost as universal as language.
- 45 Museums should not only be a place to see art but, thanks to their architectural quality, should be an aesthetic experience in themselves.
(A) More than a place to display art, museums themselves are recognized as a piece of art.
(B) People can experience a trip of beauty if they know the value of architectural quality.
(C) Items displayed in museums are installed in the buildings by skillful architects.
(D) Architecture is by nature a form of art that is part of museum collections.
- 46 It is considered common knowledge that rocks are stationary objects that have stayed put for thousands of years.
(A) It is commonly known that rocks are things staying unmoved at the same place for ages.
(B) It is well known that stationery which is made with stones can stay and last for a very long time.
(C) As we have studied rocks for so many years, knowledge of rocks is considered to be ordinary and general.
(D) It is shocking to find that so many big stones have been piled up in the area for thousands of years.
- 47 With the company struggling for many years, Mr. Smith finally sold it to a competitor at a fire-sale price.
(A) Though the business was in trouble, Mr. Smith would not sell his company to another competitor.
(B) In spite of having made efforts to improve his business, Mr. Smith sold it to another company at a very low price.
(C) The competitor set a fire to burn down Mr. Smith's company, but he worked hard and managed to save it.
(D) Mr. Smith worked so hard for the company; despite this, he was fired in the end due to slow economy.

We are taught not to judge a book by its cover. But studies of brain seem to suggest that this is exactly what we do in our everyday life; our default cognitive system is configured to choose novel things over the old ones and beautiful things over plain-looking ones.

Bianca Wittmann, a British neuroscientist, scanned the brains of 20 video game players while they played a game in which the goal was to accumulate money. In each trial of the game, four pictures were presented to the participants, with each featuring a different mountain view. The participants were then asked to choose one picture. After the game had gone on for a while, the participants would realize that one of the four pictures, if chosen, would grant the participants a cash payoff. Wittmann observed that every time the participants selected an image that would lead to a monetary reward, the neurons or brain cells in a region in their brain called "the striatum"—known to process feelings of pleasure and reward—were activated in anticipation of their cash prize. At one point of the game, Wittmann added new pictures of similar mountain views to each trial. Interestingly, instead of choosing the "old" images that would grant them the cash reward, the participants, including the known moneymakers, chose the novel images over the old ones nearly in all cases. Furthermore, the neurons in the striatum were activated as they chose the novel images.

According to Wittmann, this means that the participants treated these novel images with the same degree of excitement, suggesting that our desire to explore new experiences and things perks up the reward system of our brains. So, what is the implication of this finding for marketers of a given product? Well, marketers may be able to bolster the sales of the product simply by repackaging it. Wittmann also warned marketers that although novelty may temporarily boost the sales, they would go down once the customers learn that nothing but the packaging has changed.

請依上文回答第 48 題至第 50 題

- 48 What is the main idea of the second paragraph?
(A) Never judge a book by its cover.
(B) Do not deceive your consumers.
(C) Our brains like new things.
(D) There is an alternative way to look into our consumption behaviors.
- 49 What does the underlined word "bolster" in the last paragraph mean?
(A) Promote (B) Control (C) Supplement (D) Boycott
- 50 Which of the following statements best captures the author's view on repackaging old products as a marketing strategy?
(A) It will not help promote the products at all.
(B) The author has contradictory ideas about the effect of this marketing strategy.
(C) It is a great strategy that can perfectly exploit consumers' fascination with things they consider fresh.
(D) It is an effective way to boost the sales of products, but it can only attract the consumers' interest for a short term.