

102年公務人員特種考試警察人員考試、
102年公務人員特種考試一般警察人員考試及
102年特種考試交通事業鐵路人員考試試題

等 別：員級鐵路人員考試

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 依司法院大法官解釋之見解，有關修憲之程序，下列敘述何者正確？
(A)應公開透明為之，以滿足理性溝通之條件，方能賦予憲政國家之正當性基礎
(B)為符合公開透明原則，人民於複決投票時應採記名方式
(C)為符合民主原則，所有憲法內容均得修改，包含民主共和國原則及國民主權原則
(D)修憲是民主程序，即使程序發生疑義，司法院亦不得對修憲內容為違憲審查
- 2 有關立法委員言論免責權之敘述，下列何者錯誤？
(A)言論免責權適用範圍為立法委員在院內所為之言論及表決
(B)立法委員在院外與職權行使無關之個人行為，不在言論免責權之保障範圍
(C)立法委員喪失立法委員身分時，仍無須對其在具有立法委員身分時之言論及表決負責
(D)言論免責權非為阻卻刑罰事由
- 3 依憲法第 143 條第 2 項之規定，附著於土地之礦及經濟上可供公眾利用之天然力，與人民取得土地所有權之關係為何？
(A)人民取得土地所有權應優先保障
(B)不因人民取得土地所有權而受影響
(C)依礦及天然力之發現時間與人民取得土地所有權之時間作先後之比較
(D)由雙方協調之
- 4 依我國現制，公務員受彈劾後，均應送由公務員懲戒委員會審理，但不包含下列何者？
(A)總統、副總統 (B)行政院院長 (C)法官 (D)監察委員
- 5 依憲法第 139 條之規定，任何人皆不得以下列何種方法作為政爭的工具？
(A)組織政黨 (B)武裝力量 (C)公開評論 (D)集會遊行
- 6 下列何者並非立法院之權限？
(A)不信任案提出權 (B)領土變更案提出權
(C)院際爭議處理權 (D)總統、副總統彈劾案提議權
- 7 總統、副總統均缺位時，由誰代行其職權？
(A)立法院院長 (B)司法院院長 (C)行政院院長 (D)監察院院長
- 8 依憲法增修條文規定，下列何者非屬行政院向立法院負責之表現？
(A)行政院有向立法院提出施政報告之責
(B)立法委員得對行政院院長提出不信任案
(C)行政院院長對於法律案，認為窒礙難行，得移請立法院覆議
(D)行政院院長經立法院同意任命
- 9 競選連任之總統在競選活動時之何種罪行，仍應受刑事上之訴究？
(A)殺人罪 (B)貪瀆罪 (C)內亂罪 (D)強盜罪
- 10 下列何者並非公民投票適用之事項？
(A)憲法修正案之複決 (B)預算案之複決 (C)重大政策之複決 (D)法律之複決

- 11 根據司法院釋字第 603 號解釋，人民有資訊隱私權，以下何者並非此一權利之內涵？
(A)人民得自由決定是否揭露其個人資料
(B)人民得決定在何種範圍內、於何時、以何種方式、向何人揭露
(C)人民得逕行蒐集並使用他人之個人資料
(D)人民得更正其個人資料記載錯誤
- 12 憲法第 7 條保障的平等權，乃指下列何種的平等？
(A)形式平等 (B)齊頭平等 (C)機械平等 (D)實質平等
- 13 依司法院大法官解釋，有關宗教自由之敘述，下列何者錯誤？
(A)國家不得對特定之宗教加以獎勵或禁制
(B)國家不得強迫人民公開其宗教信仰
(C)國家不得因人民以宗教信仰為由拒絕納稅而處罰之
(D)國家不得強迫人民參加宗教活動
- 14 依司法院大法官解釋，內政部限制僅「命名文字字義粗俗不雅或有特殊原因」始得更改姓名，主要與下列何種基本權利有關？
(A)言論自由 (B)人格權 (C)工作權 (D)財產權
- 15 依司法院釋字第 499 號解釋之見解，有關修憲程序之敘述，下列何者正確？
(A)為免不必要之紛爭，修憲程序無須公開
(B)修憲程序之重大瑕疵，係指瑕疵的存在已使程序之正當性喪失
(C)修憲之決議應一律以無記名方式作成
(D)修憲程序不得有任何瑕疵，若有瑕疵修憲結果即不生效力
- 16 清末民初進行法律西化，其主要參考的法體系為何者？
(A)東亞法系 (B)普通法系 (C)歐陸法系 (D)伊斯蘭法系
- 17 下列何者不屬於制定法？
(A)判決 (B)通則 (C)施行細則 (D)規則
- 18 下列法令，何者規範位階最高？
(A)營利事業所得稅查核準則 (B)所得稅法
(C)稅務違章案件減免處罰標準 (D)稅務違章案件裁罰金額或倍數參考表
- 19 下列何種規定的制定，無行政程序法之適用？
(A)國會自律規範 (B)法規命令 (C)行政計畫 (D)行政規則
- 20 關於合會之敘述，下列何者錯誤？
(A)合會之會首及會員以自然人為限 (B)會首同時可兼同一合會之會員
(C)限制行為能力人不得為會首 (D)合會應訂立會單
- 21 小孩打破別人家窗戶，下列何者無須負起疏於監督之侵權行為責任？
(A)養父母 (B)離婚而未取得人身監護權的一方父母
(C)試行收養期間的收養人 (D)未成年人的法定監護人
- 22 甲夫乙妻收養丙時，丙已有三歲之子 A，則 A 與甲、乙之親屬關係為何？
(A)直系血親 (B)直系姻親 (C)旁系血親 (D)無親屬關係
- 23 甲出售車子一部於乙，甲於乙支付價金時，得拒絕交付車給乙。甲所主張之權利稱為：
(A)抵銷權 (B)先訴抗辯權 (C)不安抗辯權 (D)同時履行抗辯權
- 24 關於我國現行民法繼承制度的說明，何者錯誤？
(A)以限定繼承為主
(B)繼承人亦可聲明概括繼承
(C)如不欲繼承，繼承人應於知悉繼承起 6 個月內向法院聲明拋棄繼承
(D)繼承人以繼承所得遺產為限，負擔清償遺產債務的責任
- 25 下列何者與罪刑法定原則無關？
(A)不溯及既往原則 (B)明確性原則 (C)不告不理原則 (D)類推禁止原則

- 26 甲欲殺害其情敵乙，埋伏於乙宅外，見一身形與乙相似之人經過，便持刀朝其腹部猛刺，待對方倒下時，才驚覺殺錯人，送醫後被害人仍告不治。甲應如何論罪？
(A)應成立故意殺人既遂罪 (B)應成立殺人未遂罪
(C)應成立過失致人於死罪 (D)應成立殺人未遂罪與過失致人於死罪之想像競合
- 27 刑法第 28 條「二人以上共同實行」，並不包括下列那一種情形？
(A)二人以上具犯意連絡，皆於著手後分擔犯罪之行爲
(B)二人以上具犯意連絡，共同實施預備之行爲
(C)二人以上具犯意連絡，但僅其中一人著手於實行行爲
(D)二人以上具犯意連絡，但僅其中一人達於犯罪既遂
- 28 下列關於監察人之敘述，何者錯誤？
(A)監察人僅得列席董事會，不得參與表決 (B)監察人於必要時，得自行召集股東會
(C)監察人必須以會議之形式行使職權 (D)監察人對公司財務及業務之簿冊文件，有查核權
- 29 甲近來發現自己掉髮嚴重，經由電視廣告得知乙公司製造之生髮水，有「避免稀疏，預防掉髮，再長新髮」之效果。甲於收到商品後，雖依照說明使用，不但未長出新髮，掉髮的狀況更爲嚴重。經查，該商品之成分並無法達到廣告中聲稱之效果。下列敘述，何者正確？
(A)所謂廣告，係指可使不特定多數人知悉其宣傳內容之傳播
(B)企業經營者雖對消費者所負之義務不得高於廣告之內容，但仍應確保廣告之真實性
(C)若主管機關認爲企業經營者之廣告內容誇大不實，足以引人錯誤，有影響消費者權益之虞時，得通知消費者提出資料，證明該廣告之真實性
(D)刊登或報導廣告之媒體經營者，得預先免除其損害賠償責任
- 30 甲任職於電腦公司，因同性戀身分曝光，遭公司解僱。下列敘述何者正確？
(A)雇主得於解僱時敘明理由，則該解僱爲合法
(B)甲若於該公司任職未滿一年，則該解僱爲合法
(C)雇主若因受僱者之性傾向予以解僱，該勞動契約之終止不生效力
(D)雇主得基於性傾向而對於受僱者給予差別待遇

請回答第 31 題至第 33 題：

If knowledge is power, then literacy is the key to the kingdom. For centuries, the ability to read and write has given power to those who possessed it, although access to book learning—indeed, to books themselves—was often limited to a privileged minority. Today, by contrast, we inhabit a digital age in which written texts are more widely and democratically available than ever before. A prerequisite for access, however, is still the ability to comprehend and appraise those texts. Individuals who lack strong skills for finding, understanding, and evaluating written information cannot easily arm themselves with that information or use it to advance the causes they value. And because a free society depends on an informed and autonomous citizenry, the loss is not theirs alone. As we confront some of the great questions of our time—about war and diplomacy, immigration and citizenship, health care and human rights, and fair access to education and employment—literacy liberates us from dependence on received wisdom and allows us to find and weigh the evidence ourselves. Simply put, literacy is cornerstone of our freedom.

- 31 What is the passage mainly about?
(A) The importance of literacy today. (B) Freedom in a digital age.
(C) The autonomous citizenry in a free society. (D) The relationship of knowledge, power, and corruption.
- 32 Traditionally, who had access to literacy?
(A) Internet hackers. (B) Computer programmers.
(C) The privileged minority. (D) Every individual eager to learn.
- 33 What does the word “cornerstone” mean?
(A) Foundation. (B) Ceremony. (C) Procedure. (D) Etiquette.

請回答第 34 題至第 37 題：

All that you will need to decorate your birdhouse are a few simple tools you probably already have at home. You also need some paint. When painting the birdhouse, make sure the paint is safe for the birds as well as 34 enough for an outdoor setting. Exterior latex paint is ideal. But this type of paint tends to be sold in large quantities and can be costly if you are using a 35 of colors. Many craft stores now carry small containers of exterior latex or exterior acrylic craft paints in a 36 spectrum of colors. These paints will 37 your birdhouse project well. Use white and black or dark brown paints to lighten or darken your colors. Finding all the supplies you will need and preparing your work space before you begin to paint will make decorating the birdhouse more pleasant and cleanup easier.

- | | | | | |
|----|-------------|--------------|--------------|--------------|
| 34 | (A) durable | (B) edible | (C) sociable | (D) portable |
| 35 | (A) dynasty | (B) facility | (C) majesty | (D) variety |
| 36 | (A) high | (B) long | (C) tall | (D) wide |
| 37 | (A) build | (B) reserve | (C) serve | (D) describe |

請回答第 38 題至第 42 題：

In 1368, a Buddhist monk called Chu Yuan-chang led a revolt in China against the Mongols, who ruled China at that time. His revolt succeeded and Chu Yuan-chang 38 a new family of Chinese rulers called the Ming Dynasty. The early Ming rulers extended the Great Wall of China, which had 39 been built to keep the Mongols out. They also brought the province of Yunnan 40 their control and forced Korea to pay a tribute to China. Soon, the Chinese decided to 41 from foreign contacts altogether. They were 42 and did not want anything from abroad. They regarded foreigners as barbaric, uncivilized people.

- | | | | | |
|----|----------------|---------------------|---------------------|----------------------|
| 38 | (A) found | (B) founded | (C) had found | (D) was founding |
| 39 | (A) originally | (B) psychologically | (C) rhetorically | (D) voluntarily |
| 40 | (A) beyond | (B) over | (C) under | (D) without |
| 41 | (A) prevent | (B) expand | (C) stem | (D) withdraw |
| 42 | (A) ready-made | (B) family-oriented | (C) self-sufficient | (D) counter-balanced |

- | | | | | |
|----|---|-----------------|-------------------|------------------|
| 43 | To fight against the inflation, the US government takes every measure to maintain the _____ of the dollar on the world's money markets. | | | |
| | (A) stability | (B) innovation | (C) routine | (D) triumph |
| 44 | _____ in English is a key to effective communication in the global market. | | | |
| | (A) Pride | (B) Fluency | (C) Frequency | (D) Prejudice |
| 45 | The poor girl knew that her dream of going to law school was as _____ as walking on the moon. | | | |
| | (A) furious | (B) transparent | (C) superstitious | (D) unattainable |
| 46 | We should watch out for the change in weather to _____ ourselves from getting a cold. | | | |
| | (A) preserve | (B) prevent | (C) forbid | (D) force |
| 47 | When you collect some wild plants to cook, you had better make sure they are _____ in the first place. | | | |
| | (A) edible | (B) visible | (C) greasy | (D) sticky |
| 48 | At first, he tried amphetamine and other drugs just out of curiosity, but within a very short time, he developed an _____. | | | |
| | (A) addiction | (B) eruption | (C) innovation | (D) oppression |
| 49 | Soy milk, in some societies, has been commonly used as a milk _____. | | | |
| | (A) supplement | (B) substitute | (C) nutrient | (D) recipe |
| 50 | Harry Potter, the hero created by J. K. Rowling, is the most famous _____ in modern English literature. | | | |
| | (A) actor | (B) character | (C) director | (D) writer |