

101 年警察人員升官等考試試題

等 別：警正警察官升官等

科 別：各科別

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 以下有關我國憲法總綱第 1 條至第 6 條之相關條文的規定，何者不正確？
(A)中華民國為民有民治民享之民主共和國
(B)中華民國之主權屬於國民全體
(C)中華民國領土依其固有之疆域，非經總統同意不得變更之
(D)中華民國各民族一律平等
- 2 面對我國司法制度應否引進國民參審制或陪審制之討論，相關事務之立法權及行政權，歸屬於何者？
(A)由中央立法，交由地方執行
(B)由中央立法，並自行執行
(C)由地方立法，並自行執行
(D)由地方立法，下級自治團體執行
- 3 依地方制度法第 78 條規定，縣（市）長因依刑事訴訟程序被羈押或通緝者，由下列何者停止其職務，不適用公務員懲戒法第 3 條之規定？
(A)行政院
(B)內政部
(C)縣政府
(D)監察院
- 4 憲法第 171 條第 1 項與第 172 條規定，法律與憲法牴觸者無效，命令與憲法或法律牴觸者無效，此為何種原則之具體規定？
(A)法律優位原則
(B)法律保留原則
(C)權力分立原則
(D)民主國家原則
- 5 依據司法院釋字第 623 號解釋，關於兒童及少年性交易防制條例第 29 條是否違憲，下列說明何者錯誤？
(A)人民之言論自由，乃在保障意見之自由流通，使人民有取得充分資訊及自我實現之機會，包括政治、學術、宗教及商業言論等，其保護範疇及限制均屬相同
(B)商業言論所提供之訊息，內容為真實，無誤導性，亦應受憲法言論自由之保障
(C)促使人為性交易之訊息，固為商業言論之一種，惟係促使非法交易活動，因此立法者基於維護公益之必要，自可對之為合理之限制
(D)電子訊號、電腦網路與廣告物、出版品、廣播、電視等其他媒體之資訊取得方式尚有不同，如衡酌科技之發展可嚴格區分其閱聽對象，應由主管機關建立分級管理制度
- 6 公務員於執行職務行使公權力時，因故意或過失不法侵害人民自由或權利者，國家應負損害賠償責任。請問公務員於何種情形下，賠償義務機關得對之求償？
(A)有故意或重大過失始得求償
(B)有故意或過失皆得求償
(C)僅有故意始得求償
(D)無論何種情形皆不得求償
- 7 下列關於公職人員選舉的敘述，何者正確？
(A)政黨及任何人得於競選期間任意於公園、學校等所有公共設施懸掛標語、看板、旗幟等競選廣告物
(B)中央和地方政府各級機關於公職人員選舉競選活動期間，得從事任何與競選宣傳有關之活動
(C)廣播電視事業得有償提供時段，供推薦或登記候選人之政黨、候選人從事競選宣傳，並應為公正、公平之對待
(D)政黨及候選人從事競選活動不得使用擴音器，不得製造噪音
- 8 行政院對於立法院所議決之議案中，得提出覆議者並不包括：
(A)大赦案
(B)預算案
(C)條約案
(D)法律案
- 9 下列那一個機關不隸屬於行政院？
(A)公務人員保障暨培訓委員會
(B)大陸委員會
(C)國家通訊傳播委員會
(D)客家委員會
- 10 依憲法本文及增修條文之規定，須超出黨派以外，依法獨立行使職權者，不包括下列何者？
(A)法官
(B)監察委員
(C)立法委員
(D)考試委員
- 11 依立法院職權行使法，立法院會議，至少須有多少之立法委員出席，始得開會？
(A)立法委員總額二分之一
(B)立法委員總額五分之二
(C)立法委員總額三分之一
(D)立法委員總額四分之一

- 12 下列何者不屬於司法院之職權？
(A)公務人員之懲戒 (B)犯罪之偵查起訴 (C)政黨違憲之審查 (D)統一解釋法令
- 13 以下何者不是考試院之職權？
(A)公務人員之保障 (B)專門職業及技術人員執業資格之考選銓定
(C)考試委員財產申報 (D)公務人員任免之法制事項
- 14 依監察法規定，監察院調查人員在調查案件時，如認為被調查人有逃亡之虞，得：
(A)逕予逮捕 (B)向法院聲請拘票後予以拘提
(C)由監察委員向法院聲請拘票後予以拘提 (D)通知當地警憲當局協助，予以適當之防範
- 15 依司法院解釋意旨，下列敘述何者錯誤？
(A)法官有優先遵守憲法之義務
(B)法官於審判具體個案，認為其所應適用之法律有違反憲法時，得直接拒絕適用該法律
(C)法律是否違憲之審查權，專屬於司法院大法官
(D)司法行政機關所發司法行政上之命令，如涉及審判上之法律見解，僅供法官參考，法官不受其拘束
- 16 關於中央法規標準法之內容，以下何者錯誤？
(A)法規對其他法規所規定之同一事項而為特別之規定者，應優先適用之。其他法規修正後，仍應優先適用
(B)法規條文應分條書寫，冠以「第某條」字樣，並得分為項、款、目。項不冠數字，空二字書寫，款冠以一、二、三等數字，目冠以(一)、(二)、(三)等數字，並應加具標點符號
(C)法律定有施行期限，主管機關認為需要延長者，應於期限屆滿 1 個月前送立法院審議。但其期限在立法院休會期內屆滿者，應於立法院休會 1 個月前送立法院
(D)法規明定自公布或發布日施行者，自公布或發布之日起算至第 7 日起發生效力
- 17 修正後之實體法，其適用通常採取下列何種原則？
(A)不溯既往原則 (B)一律從新原則 (C)法院個案判斷原則 (D)例外法原則
- 18 關於公法與私法的敘述，下列何者正確？
(A)國家與人民發生的法律關係，一定是公法關係
(B)人民與人民發生的法律關係，一定是私法關係
(C)警察單位與廠商間之防彈背心買賣契約為私法關係
(D)國家賠償法為私法
- 19 以下那一個選項「不」屬於「普通法與特別法」之關係？
(A)刑法與兒童及少年性交易防制條例之相關刑事規定
(B)刑法與毒品危害防制條例
(C)大學法與大學法施行細則
(D)土地法第 187 條「建築改良物為自住房屋時，免予徵稅。」與房屋稅條例
- 20 下列何種契約，以書面為契約之成立要件？
(A)保證 (B)人事保證 (C)買賣 (D)和解
- 21 甲出售電腦 1 部於乙，未交付電腦前，甲向乙請求價金，試問乙可以主張何種權利？
(A)撤銷權 (B)解除權 (C)同時履行抗辯權 (D)先訴抗辯權
- 22 下列親屬法之規定中，何者非因落實男女平等而修正？
(A)夫妻住所地之設立 (B)法定財產制 (C)成年子女變更姓氏 (D)離婚後子女親權酌定
- 23 下列何者，不構成阻卻違法事由？
(A)適法無因管理 (B)父母的必要懲戒行為
(C)可容許的危險 (D)得到病患同意，施以藥劑安樂死
- 24 下列關於自首之敘述，何者正確？
(A)任何犯罪，經自首者，必減其刑 (B)自首必須以書面為之
(C)必須對於未發覺之罪自首 (D)向被害人自首，亦生自首的效果
- 25 我國籍的甲在臺北將劇毒摻入藥品中，自臺灣郵寄給身處於美國的日本籍人士 A，A 服用後死亡，我國刑法對此案件亦有適用，這是根據以下那個原則？
(A)消極屬人原則 (B)國旗原則 (C)屬地原則 (D)保護原則
- 26 對於犯刑法強制性交罪者之強制治療處分，下列敘述何者錯誤？
(A)是否施以強制治療之判斷標準在於再犯之危險
(B)強制治療應在有期徒刑執行之前先進行
(C)強制治療期間乃至犯罪人再犯危險顯著降低為止
(D)強制治療執行期間應每年鑑定、評估有無停止治療之必要

- 27 依消費者保護法之規定，郵購或訪問買賣，買受人有多少天之猶豫期間？
(A) 7 日 (B) 10 日 (C) 15 日 (D) 30 日
- 28 依勞工保險條例之規定，勞工保險之保險效力的開始，係採下列何一原則？
(A) 通知申報原則 (B) 勞動契約生效原則
(C) 勞工實際到職日原則 (D) 兼採通知申報暨勞工實際到職日原則
- 29 下列有關勞動基準法對童工保護的規定，何者錯誤？
(A) 童工每日工作時間不得超過 8 小時 (B) 童工於例假日不得工作
(C) 雇主絕對不得僱用未滿 15 歲之人從事工作 (D) 童工不得於午後 8 時至翌晨 6 時之時間內工作
- 30 下列關於侵害著作權罰則之敘述，何者正確？
(A) 僅有行政罰，而無刑罰
(B) 不處罰侵害著作人格權之人，但得要求侵害行為人登報道歉
(C) 著作僅供個人參考或合理使用者，不構成著作權侵害
(D) 即使侵害行為人所得之利益超過罰金最多額時，仍不得於所得利益之範圍內酌量加重
- 31 Sleep _____ occurs when an individual fails to get enough sleep. It can knock hormones out of balance, causing feelings of hunger.
(A) manipulation (B) contraction (C) adaptation (D) deprivation
- 32 The murderer lost control and cried out _____ when the judge sentenced him to life imprisonment without parole.
(A) analytically (B) exclusively (C) hysterically (D) hypothetically
- 33 Lemon, orange, and lavender are popular scents for refreshing the home, but you can experiment with your own favorites to create a _____ air spray.
(A) custom (B) digital (C) mortal (D) remote
- 34 When those billionaires are loved and admired, it is often because people can actually see and enjoy the fruits of their labors.
(A) Oftentimes, people won't praise the super-rich until they can actually contribute their efforts to the success of those billionaires.
(B) Oftentimes, the super-rich won't let the public share and benefit from their success until the public actually starts to praise them.
(C) When the public can witness the achievements of the super-rich, they often will start to adore them.
(D) When people can actually receive and enjoy direct help from the super-rich, oftentimes, they will start to praise those billionaires.
- 35 Before you point the finger at others, you might want to make sure that you are more than ready to defend yourself.
(A) Before blaming others, you had better be well-prepared for potential criticism that may come toward you.
(B) Before making a vulgar gesture, you had better be sure that you do not end up defending yourself in court.
(C) Before losing your temper, you might want to stop to think twice about the consequences of your angry words.
(D) Before giving others a hard time, you might want to double-check to see if you know who you are dealing with.
- 36 The voyage to discovery is not in seeking new landscapes but in having new eyes.
(A) The key to discovery is to be found in exotic land.
(B) The key to discovery lies in having new perspectives.
(C) If you want to discover new things, you should not stop traveling.
(D) If you want to discover new things, you should change your glasses.

The gifts have been unwrapped. The champagne has been drained, and vacation season is over. It's back to the grind of work, and there's a whole year ahead of us. Instead of feeling uninspired and bummed about the long stretch before the next holiday season, take some time to refocus your energy at the office. The best way to do this is to set small, accomplishable work goals. For instance, someone who takes on too much responsibility might focus on delegating successfully in the coming year. An employee who is shy in meetings might try to speak out more. Someone who is opinionated might try to be a bit more subdued. Setting these goals is a way to stay engaged and active at work. From there take an annual career physical. Ask yourself: do I get paid enough? Does my work challenge me? Am I learning and contributing? If most of the answers aren't yes, it might be time to look for a new job. If that's the case, assess the job possibilities in your area and get to know key players locally in your profession. Looking for a new position might be just what you need. If you don't need a major career overhaul, look around you. It might sound simple, but one thing that drains employees is a messy desk and office. A cluttered desk will keep your mind cluttered too.

- 37 When is this passage most likely written?
 (A) After Thanksgiving (B) After the New Year (C) After Easter (D) After Halloween
- 38 What is the author's suggestion for people who take on too much responsibility?
 (A) To take a long vacation (B) To give part of their work to others
 (C) To devote more energy to their work (D) To plan their work carefully
- 39 What is the author's suggestion for people who like to express very strong opinions about things?
 (A) To be more restrained (B) To be more persistent (C) To be more subversive (D) To be more contented

With growing frequency, statistics reveal a considerable prevalence of vandalism and violence in schools all over the United States. The annual reports by the FBI attest to the perennial rise of juvenile delinquency and crime in society at large.

Information released by the New York City Board of Education in December 1975 should cause considerable anxiety. In "Fun City," the number of acts of crime in the public schools during September-November 1975 was 55% higher than for the corresponding period in 1974. The major criminal actions were assaults on teachers and robberies of teachers, pupils, and others.

The blame for this situation has frequently been laid at the door of the current status and mood of society. Among the contributory factors cited are the deplorable economy, racial tensions and clashes, the availability of weapons, and widespread accessibility of drugs and liquor, the daily depiction of violence in television programs, the inconsistent and light punishment meted out by the courts, and parental and pedagogical permissiveness. Efforts at coping with the waves of school vandalism and crime have been hampered by judicial and social restrictions upon suspension, exclusion, and corporal punishment, accompanied by an insistence upon a broad definition of pupil rights.

- 40 According to the passage, what does "Fun City" refer to?
 (A) FBI (B) Public schools (C) New York (D) The United States
- 41 According to the passage, which of the following statements is true?
 (A) The authorities are allowed to suspend students.
 (B) Attacks and robberies account for most crime actions in schools.
 (C) Weapons are not easily accessible to students.
 (D) Racial tension has not been an issue since the abolition of segregation laws.
- 42 According to the passage, which of the following is NOT one of the contributory factors to the situation described?
 (A) Parental permissiveness (B) The widespread accessibility of drugs
 (C) The inconsistent punishment given by the court (D) The booming economy

When children are involved, divorce is never painless. To 43 the problems associated with divorce, parents need to maintain a stable environment for their children. For example, any fighting over finances or child 44 should not occur in front of the children. Also, parents should try to live near each other so that the child has easy 45 to both parents. To further stabilize the child's life after a divorce, many parents now 46 the "family home." The kids do not have to change houses to visit each parent; 47, the parents take turns living in the family home. If parents just remember to put children first, then the effects of divorce on the children can be lessened.

- 43 (A) determine (B) consult (C) minimize (D) realize
- 44 (A) frustration (B) nutrition (C) motivation (D) visitation
- 45 (A) access (B) advance (C) essence (D) evidence
- 46 (A) move out (B) opt for (C) put down (D) take after
- 47 (A) instead (B) still (C) in addition (D) as a result

Nearly two thirds of domestic violence involves drinking. Alcohol abuse by parents is strongly tied to child neglect and juvenile delinquency. Drinking during pregnancy can lead to 48 and is a major cause of such birth defects as 49 limbs and mental retardation. Those who depend on alcohol are 50 happy: over a fourth of the patients in state and county mental institutions have alcohol problems; more than half of all violent crimes are alcohol-related.

- 48 (A) misunderstanding (B) misogyny (C) miscarriage (D) misconduct
- 49 (A) conformed (B) deformed (C) informed (D) reformed
- 50 (A) ranging from (B) far from (C) coming from (D) different from