

107年公務人員特種考試警察人員、一般警察人員考試及
107年特種考試交通事業鐵路人員考試試題

代號：1301
頁次：6-1

考試別：一般警察人員考試、鐵路人員考試

等別：三等考試、高員三級考試

類科別：各類科、各類別

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)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 直轄市對法定之自治事項所制定之自治條例，下列敘述何者正確？
(A)定有罰則之自治條例，經其立法機關議決後，報請中央主管機關核定後發布
(B)定有罰則之自治條例，經其立法機關議決後，報請行政院備查後始生效
(C)未定有罰則之自治條例，經其立法機關議決後，應報請行政院備查後發布之
(D)未定有罰則之自治條例，經其立法機關議決，並發布後，應報中央各該主管機關轉行政院備查
- 2 若偵查中對被告或犯罪嫌疑人核發通訊監察書，依司法院釋字第631號解釋意旨，下列敘述何者錯誤？
(A)通訊監察書原則上應由客觀、獨立行使職權之法官核發
(B)通訊監察書之核發須符合比例原則
(C)檢察官得以國家安全理由核發通訊監察書
(D)基於犯罪偵查目的，而有監察人民秘密通訊之必要時，須遵守正當法律程序之要求
- 3 依據司法院大法官解釋之意旨，有關集會自由之敘述，下列何者錯誤？
(A)人民有集會之自由，旨在保障人民以集體行動之方式和平表達意見，與社會各界進行溝通對話，以形成或改變公共意見，並影響、監督政策或法律之制定
(B)立法者得針對集會、遊行利用公共場所或路面之時間、地點與進行方式等事項加以規範，在此範圍內，立法者有形成自由，得採行事前許可或報備程序，使主管機關能取得執法必要資訊，妥為因應
(C)集會、遊行禁制區之設置目的雖係為維持社會秩序或增進公共利益，然除經主管機關核准者外，不得在此範圍舉行集會、遊行，此乃是對人民集會自由之限制過當，與憲法保障集會自由之意旨不符
(D)就偶發性集會、遊行採事先申請許可，將課予人民事實上難以遵守之義務，致人民不克申請而舉行集會、遊行時，立即附隨得由主管機關強制制止、命令解散之法律效果，不符憲法保障集會自由之意旨
- 4 關於隱私權之保障，下列敘述何者錯誤？
(A)行政機關未有法律依據而於街道設置監視攝影器查緝違規停車車輛，有侵害人民隱私權之虞
(B)活動於公共場所之人，不得主張其隱私權應受保護
(C)隱私權為基於憲法第22條所保障之基本人權
(D)隱私權為維護個人人格自由發展所不可或缺之基本人權
- 5 憲法保障人民的財產權，所以在下列何種情形下，國家必須對人民的損失或犧牲有補償義務？
(A)天然災害導致人民動產受損
(B)政府開路需要徵收人民土地
(C)人民違規導致他人車禍受傷
(D)人民捐地興學故其財產減少
- 6 下列何者是我國憲法明文規定的基本人權？
(A)婦女墮胎自由
(B)隱私權
(C)工作權
(D)免於恐懼的自由
- 7 依憲法規定及司法院大法官解釋，關於人民受教育權之敘述，下列何者錯誤？
(A)依憲法規定，一般人民有受國民教育之權利
(B)依憲法規定，一般人民無受國民教育以外教育之基本權利
(C)依憲法規定，一般人民有請求國家提供特定教育給付之權利
(D)中央警察大學招生簡章排除色盲者報考，未侵害考生受憲法保障之受教權

- 8 公職人員之罷免，以下列何種方式為之？
(A)由原選舉區之選舉人以無記名投票法決定之 (B)由全國人民以無記名投票法決定之
(C)由原選舉區之選舉人以記名投票法決定之 (D)由全國人民以記名投票法決定之
- 9 有關以連署方式申請登記為總統副總統候選人之敘述，下列何者錯誤？
(A)中華民國自由地區人民，於選舉公告日，年滿二十歲者，得為連署人
(B)連署人數已達最近一次總統副總統選舉選舉人總數百分之一者，為完成連署
(C)連署人數不足規定人數二分之一者，保證金不予發還
(D)連署人連署時，並應附本人之國民身分證影本
- 10 下列那一個部會之首長，並非行政院會議之成員？
(A)內政部 (B)行政院大陸委員會
(C)公務人員保障暨培訓委員會 (D)海洋委員會
- 11 依憲法第 69 條規定，有關立法院臨時會之敘述，下列何者正確？
(A)每年集會八個月，不得召集臨時會 (B)經總統之咨請時，得開臨時會
(C)經行政院之咨請時，得開臨時會 (D)經立法委員五分之一以上請求時，得開臨時會
- 12 關於單一選區兩票制，下列敘述何者錯誤？
(A)在區域立委部分，每一選區只選出一名
(B)全國不分區立委，由政黨依區域立委之得票率比例分配席次
(C)立委選舉時，選民有兩票，一票選區域立委，另一票選政黨
(D)得分配政黨比例席次之政黨，其當選名單中，婦女不得低於二分之一
- 13 有關司法院憲法法庭之成立與運作，下列敘述何者錯誤？
(A)對於憲法法庭之裁判，得聲明不服 (B)憲法法庭可審理政黨違憲解散案件
(C)憲法法庭應本於言詞辯論而為裁判 (D)憲法法庭認聲請無理由者，應以判決駁回其聲請
- 14 有關憲法法庭程序之敘述，下列何者錯誤？
(A)憲法法庭得囑託檢察官或調度司法警察為搜索
(B)憲法法庭得囑託檢察官或調度司法警察為扣押
(C)憲法法庭言詞辯論之訴訟代理人以律師為限
(D)憲法法庭言詞辯論之訴訟代理人應先經憲法法庭之許可
- 15 關於監察院提出糾正案之程序，下列敘述何者正確？
(A)應經監察委員一人以上之提案，三人以上之審查及決議
(B)應經監察委員一人以上之提案，九人以上之審查及決議
(C)應經監察委員二人以上之提案，九人以上之審查及決議
(D)應經各有關委員會之審查及決議
- 16 下列何者不屬於我國之法源？
(A)法院法律座談會之決議 (B)法理
(C)自治規章 (D)判例
- 17 消滅時效制度為何種層級之法律保留？
(A)憲法保留 (B)絕對法律保留 (C)相對法律保留 (D)非屬法律保留
- 18 法規因廢止而失效者，如無特別規定，應自何時失效？
(A)自公布或發布之日起失效
(B)自上級機關核准廢止之日起失效
(C)自公布或發布之日起算，至第三日起失效
(D)自上級機關核准廢止之日起算，至第三日起失效
- 19 法律規定中所謂「情節輕微者」，在法學上一般稱為下列何者？
(A)不確定事實概念 (B)不確定法律概念 (C)不確定論理概念 (D)不確定構成要件
- 20 依司法院釋字第 739 號解釋意旨，立法者為符合憲法上正當法律程序原則之要求，應綜合考量之因素，不包括下列何者？
(A)所涉基本權之種類、限制之強度及範圍 (B)所欲追求之公共利益
(C)決定機關之功能合適性 (D)當事人之品性、智識程度及態度

- 21 依司法院解釋，下列何者違反憲法第 11 條保障人民言論自由之意旨？
(A)藥事法規定，藥商刊播藥物廣告時，應於刊播前將所有文字、圖畫或言詞，申請該管衛生主管機關核准
(B)化粧品衛生管理條例規定，化粧品之廠商登載或宣播廣告時，應於事前申請中央或直轄市衛生主管機關核准
(C)菸害防制法規定，菸品所含之尼古丁及焦油含量，應以中文標示於菸品容器上
(D)兒童及少年性交易防制條例規定，不得以廣告物、出版品、廣播、電視、電子訊號、電腦網路或其他媒體，散布、播送或刊登足以引誘、媒介、暗示或其他促使人為性交易之訊息
- 22 甲的下列那一個行為，構成民法第 118 條的無權處分？
(A)以自己的名義，擅自將乙的房屋出租與丙，並已交屋給丙居住
(B)以自己的名義，擅自將丙的自行車的所有權讓與給乙
(C)擅自以乙的名義，將乙的相機出售與丙，尚未交付
(D)以自己的名義，擅自與丙訂立關於乙的相機之買賣契約
- 23 依性別工作平等法之規定，性別工作平等會應設置委員幾人？
(A)一人至五人 (B)五人至十一人 (C)五人至十二人 (D)十五人至三十人
- 24 甲將其所建之 A 違章建築賣給乙，並交付完畢。嗣後甲又主張乙非 A 違章建築之所有權人，請求返還 A 違章建築。問甲之主張是否有理由？
(A)有理由。因違章建築無法辦理移轉登記，乙未取得所有權，係無權占有
(B)無理由。因甲之主張違反誠信原則
(C)有理由。因甲乙間之買賣契約因標的 A 為違建而無效，乙為無權占有
(D)無理由。因乙為 A 之所有權人，其權利受法律保護
- 25 刑法上關於未遂之判斷，依我國實務見解，下列何者正確？
(A)行為人伸手進入被害人沒有錢的口袋，因不能發生犯罪結果，為不能未遂
(B)行為人意圖竊盜在被害人家門外徘徊，已屬竊盜著手，為普通未遂
(C)行為人意圖殺人購買水果刀，隨即被臨檢查獲，並非未遂
(D)行為人向被害人開槍，未擊中，因害怕被發現而逃離，為中止未遂
- 26 關於刑法對第三人之物宣告沒收，下列敘述何者錯誤？
(A)第三人無正當理由提供犯罪人作為犯罪之物，得沒收
(B)第三人被犯罪人竊取供犯罪用之物，得沒收
(C)第三人從犯罪人之處，無償取得犯罪所得物，應沒收
(D)第三人從犯罪人之處，以顯不相當之價格買到犯罪所得物，應沒收
- 27 依著作權法第 65 條之規定，關於判斷是否合理使用他人著作之審酌事項，下列敘述何者錯誤？
(A)若利用之目的與性質係基於商業目的，即不屬於合理使用
(B)著作之性質，主要係從被利用著作之性質考量
(C)利用之質量及其在整個著作所占之比例，為一相對性之比較
(D)利用結果對著作潛在市場與現在價值之影響，應須考慮市場流通性與市場替代性
- 28 關於股東表決權之行使，下列敘述，何者錯誤？
(A)A 公司依法持有自己之股份，無表決權
(B)A 公司直接或間接持有 B 公司已發行股份總數 30%，且可指派過半數董事，A 公司為 B 公司之控制公司，故其所持有 B 公司之股份，無表決權
(C)甲持有 A 公司公開發行公司之股份，並為該公司董事，甲以股份設定質權超過其選任當時所持有公司股份總數二分之一，其超過之股份不得行使表決權
(D)A 公司為非公開發行公司，除信託事業或經證券主管機關核准之股務代理機構外，一人同時受二人以上委託出席 A 公司之股東會，其代理之表決權數不得超過已發行股份總數表決權之 3%，超過時其超過之表決權，不予計算

- 29 依全民健康保險法之規定，保險對象有下列何項情形之一者，免依該法第 43 條規定自行負擔門診或急診費用，及免依第 47 條規定自行負擔住院費用？
(A) 重大傷病、分娩、山地離島地區之就醫
(B) 重大傷病、分娩、低收入戶成員
(C) 醫療資源缺乏地區、分娩、山地離島地區之就醫
(D) 醫療資源缺乏地區、分娩、低收入戶成員
- 30 甲受僱於乙公司擔任生產部經理，請育嬰留職停薪 6 個月，期滿後請求復職，惟該職位已另由他人擔任，乙公司依性別工作平等法之規定，應如何處理？
(A) 請甲繼續留職停薪，待有相同職位出缺時，再復職
(B) 只能讓甲回復原職
(C) 以工作性質變更為由，資遣甲，並給予資遣費
(D) 仍可指派甲擔任其他同職等之工作，但不得減少其勞動條件

請依下文回答第 31 題至 35 題：

Most previous studies on the influence of birth order have looked at children from different families. For instance, some studies have looked at U.S. presidents, Nobel Laureates or NASA astronauts to see whether they are mostly first-born children or 31 born children. However, these studies cannot take into account influences that arise from children being in the same family.

A new study suggests that birth order within families has long sparked sibling rivalry, but it might also impact the child's personality and intelligence. First-borns are typically smarter, 32 younger siblings get better grades and are more outgoing.

The findings weigh in on a long-standing debate: What effect if any does birth order have on a person's life? The results 33 support to some previous hypotheses—for instance, that the eldest sibling tends to have higher aptitude. But the study also 34 other proposed ideas, for example, that first-borns tend to be more extroverted. The findings shed light on the influence of sibling relationships, which often receives less attention compared with 35 the mother-child or father-child relationship. They also suggest some inherent differences between siblings exist, differences that might arise no matter what parents do.

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|----|--------------|---------------|-----------------|---------------|
| 31 | (A) latter | (B) later | (C) latest | (D) late |
| 32 | (A) when | (B) since | (C) while | (D) as |
| 33 | (A) lend | (B) lead | (C) rent | (D) rave |
| 34 | (A) opposes | (B) oppresses | (C) contradicts | (D) contracts |
| 35 | (A) those of | (B) that of | (C) which of | (D) part of |

請依下文回答第 36 題至 40 題：

Consumer spending accounts for 70 percent of the gross domestic product, which is the value of everything produced in the U.S. in a year. Consumer spending is 36 into durables (large goods, such as big appliances, not purchased very often), nondurables (food, clothing and things that wear out regularly) and services (banking, day care, medical). When the government 37 its monthly consumer confidence index, it is showing the mood of consumers. When confidence 38, people cut back on spending. Typically, most of that cutback is from durables. After all, those items tend to be more expensive, and their purchase can be postponed. Some services will be cut back—full-service restaurants 39 to fast food, for example—but people still need most of their nondurables and services, such as food and day care.

Demand for the products or services you sell is determined by several factors that apply to all consumers. Demand is based partly on the price of substitute and 40 products. If the store across the street or the online vendor charges lower prices for the same product, you must compensate in some way, perhaps with better service.

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|----|-------------------|-------------------|------------------|----------------|
| 36 | (A) broken down | (B) added up | (C) piled up | (D) run down |
| 37 | (A) relates | (B) releases | (C) relieves | (D) replaces |
| 38 | (A) slaps | (B) falls | (C) fails | (D) slips |
| 39 | (A) give way | (B) give up | (C) give out | (D) give away |
| 40 | (A) complimentary | (B) complementary | (C) compensatory | (D) compulsory |

請依下文回答第 41 題至 45 題：

Poverty is not created by people who are poor. Poverty has been created by the economic and social system that we have designed for the world. It is the institutions that we have built, which created poverty. It is the concepts we developed to understand the reality around us, which contributed to the creation of poverty, made us see things wrongly, and took us down a wrong path, causing misery for people. It is our policies borne out of our reasoning and theoretical framework, with which we explain interactions among institutions and people that caused this problem for many human beings. It is the failure at the top, rather than lack of capability at the bottom which is the root cause of poverty. The most important step to ending poverty is to create employment and income opportunities for the poor. But orthodox economics recognizes only wage-employment. It has no room for self-employment. Yet self-employment is the quickest and easiest way to create employment for the poor. Credit should be accepted as a human right because it is so important for a person who is looking for an income. Credit can create self-employment instantaneously. We are so much influenced by orthodox economics that we forget that our forefathers did not wait for someone else to create jobs for them. They just went ahead in a routine manner to create their own jobs and incomes.

A big step towards eliminating poverty is to make sure that we offer financial services even to the poorest people, that nobody is rejected by a bank on the ground that he or she is a poor person. It will be an uphill task to end poverty in the world unless we create new economic thinking and get rid of the biases in our concepts, institutions, policies, and above all, our mindsets created by the existing orthodoxy.

- 41 What is the best topic of this passage?
- (A) The Function of Economic Theory.
 - (B) The Intelligence of Human Beings.
 - (C) A Proposal for Self-employment.
 - (D) An Approach to Poverty Issues.
- 42 According to the passage, what is the fundamental cause of poverty?
- (A) Orthodox economic theory.
 - (B) Rejections of loans.
 - (C) Lack of employment.
 - (D) The economic framework and social system.
- 43 Which of the following statements is true?
- (A) We are able to end poverty if we work hard to find a job.
 - (B) It is impossible to end poverty if we stick to our biases.
 - (C) The poor is to blame for their poverty.
 - (D) Poor people lack working capability.
- 44 Which of the following words is the closest in meaning to "mindsets" in the passage?
- (A) Concepts.
 - (B) Institutions.
 - (C) Intelligences.
 - (D) Theories.
- 45 Which of the following statements is **NOT** mentioned in the passage about why poverty persists?
- (A) Poverty is inherited.
 - (B) There are not enough jobs.
 - (C) The poor are denied getting financial services.
 - (D) Poverty is a result of interactions among institutions and people.

請依下文回答第 46 題至 50 題：

The festival of San Fermin, or the Running of the Bulls as it is more commonly known outside Spain, is held in honor of Saint Fermin in Pamplona in Spain every year from 6th to 14th July. It is also traditionally held in other places such as towns and villages across Spain and Portugal, some cities in Mexico, and southern France during the summer.

The origin of the run can be traced back to the 14th century in northeastern Spain, where bull breeders needed to transport their bulls from the fields outside the city to the bullring, where they would be killed. To speed up the transporting process, workers would hurry the cattle using **tactics** of fear and excitement. Later this practice turned into a competition, as young adults would attempt to race in front of the bulls. It seemed that the modern-day celebration has evolved from this as well as individual commercial and bullfighting fiestas.

The Pamplona bull run is the highest-profile event of the San Fermin festival. The first bull running is on 7th July, followed by one on each of the following mornings of the festival, beginning every day at 8 a.m. sharp. It all starts with a rocket fired to confirm that the gate of the bullring has been opened. After runners pray to San Fermin, a second rocket announces that the bulls, typically six, have left. The bulls and the runners then proceed along the route. A third rocket is set off once all the bulls have entered the bullring. When the bulls are in the bullpen, the final rocket ends the run.

The vast number of participants nowadays adds to the already considerable danger of running alongside wild bulls weighing in the region of 700 kg each. Although plenty security and first-aid personnel are on hand, there is really little they can do to prevent people from injury, or even death, during the running of the bulls.

- 46 What is the third paragraph mainly about?
- (A) The schedule and proceeding of the bull run.
 - (B) The number of the bulls running in the event.
 - (C) The number and function of the rockets fired.
 - (D) The importance of runners' praying to San Fermin.
- 47 According to the passage, which of the following statements is **TRUE**?
- (A) The second rocket would be fired after the bulls have left the bullring.
 - (B) Altogether four rockets would be fired to complete the bull run.
 - (C) Rockets are fired to create an atmosphere of excitement for the bull run.
 - (D) The festival of San Fermin can be traced back to the bullfighting tradition.
- 48 Which of the following is **NOT** mentioned in the passage?
- (A) The origin of the running of the bulls.
 - (B) Places where the bull running is held.
 - (C) Rules for participants in the running of the bulls.
 - (D) The potential danger of joining the bull running.
- 49 What does **tactics** mean in the second paragraph?
- (A) Collections.
 - (B) Deliveries.
 - (C) Feelings.
 - (D) Techniques.
- 50 Which of the following best describes the tone of this passage?
- (A) Serious and academic.
 - (B) Humorous and entertaining.
 - (C) Personal and well-intentioned.
 - (D) Light-hearted and informative.