

109年公務人員特種考試警察人員、 一般警察人員考試及109年特種考試 交通事業鐵路人員考試試題

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：各類別、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。

- 依憲法、增修條文及司法院大法官解釋，憲法有關領土之規定，下列敘述何者錯誤？
(A)中華民國領土依其固有之疆域
(B)國家領土範圍之界定，屬於政治問題，不受司法審查
(C)依憲法增修條文，領土變更案應經公民複決
(D)依憲法增修條文，行政院或立法院得提出領土變更案
- 依司法院大法官解釋，關於憲法第14條集會自由之保障，下列敘述何者錯誤？
(A)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，以形成公意
(B)國家負有提供適當集會場所之義務，以協助集會或遊行順利舉行
(C)國家得以發生衝突之虞，事前審查集會之主張內容，而否准其申請
(D)國家立法規定群眾自發聚集之偶發性集會，應事前申請許可，違憲
- 依司法院大法官解釋，下列對言論自由之限制，何者違憲？
(A)藥商刊播廣告時，應事前申請衛生主管機關核准
(B)化妝品廠商刊播廣告時，應事前申請中央或直轄市衛生主管機關核准
(C)菸品所含尼古丁及焦油含量，應以中文標示於菸品包裝上
(D)對於傳布以兒童少年性交易為內容之訊息，科處刑罰
- 有關少年事件處理法對經常逃學或逃家之虞犯少年，得施以收容處置或感化教育處分之規定，依司法院釋字第664號解釋，下列敘述何者錯誤？
(A)上述規定涉及對少年人格權之限制
(B)上述規定涉及對少年受教育權之限制
(C)收容處置或感化教育，亦屬憲法第8條所稱之拘禁
(D)上述規定涉及對少年人身自由之限制
- 甲為知名歌星，某晚在餐廳用餐遭攝影師乙偷拍，甲以乙侵害其隱私權及肖像權，擬對乙提起訴訟，下列敘述何者錯誤？
(A)新聞自由非絕對不受限制
(B)公眾人物仍得主張隱私權之保障
(C)餐廳雖屬公共空間，在合理隱私期待範圍內仍有隱私權之保障
(D)以跟追方式進行採訪不受新聞自由之保障
- 下列何者非屬憲法規定之各種選舉應採行之方法？
(A)普通 (B)平等 (C)記名 (D)直接
- 關於憲法所規定之平等，下列敘述何者錯誤？
(A)各種選舉，不應規定婦女當選名額，以落實兩性政治參與之實質平等
(B)國家應保障退役軍人之就學、就業、就醫、就養
(C)國家應扶助原住民族之經濟土地及社會福利事業並促其發展
(D)國家對於僑居外國國民之政治參與，應予保障
- 有關行政院對立法院負責之敘述，下列何者錯誤？
(A)立法委員在開會時，有向行政院院長及行政院各部會首長質詢之權
(B)立法院對行政院提出之覆議案，如決議維持原案，行政院院長應即接受該決議
(C)行政院應向立法院提出施政方針及施政報告
(D)行政院因重要政策變更，得自行裁減或變動法定預算之執行
- 甲因性騷擾經一審法院判決無罪，二審法院撤銷原審判決改判有罪，若法律規定甲不得上訴於第三審法院，係侵害其何種憲法權利？
(A)人身自由 (B)工作權 (C)性自主權 (D)訴訟權

- 10 依憲法及增修條文之規定，下列何者不屬於總統之職權？
(A)主動解散立法院 (B)發布緊急命令 (C)宣布戒嚴 (D)任命交通部部長
- 11 下列何者之任命，無須經立法院同意？
(A)大法官 (B)考試委員 (C)司法院院長 (D)行政院院長
- 12 依司法院大法官解釋意旨，下列何者非屬憲法所定應經考試院依法考選之專門職業及技術人員？
(A)記帳士 (B)中醫師 (C)牙醫師 (D)技術士
- 13 依司法院大法官解釋，下列關於隱私權之敘述，何者錯誤？
(A)憲法對隱私權之保障並非絕對 (B)資訊自主控制為隱私權內涵之一
(C)個人在公共場合中不受隱私權保障 (D)秘密通訊自由為憲法保障隱私權之態樣之一
- 14 依憲法規定及司法院大法官解釋，下列何者與司法獨立之憲法保障尚無牴觸？
(A)令法官免兼庭長 (B)刪除大法官支領司法人員專業加給之預算
(C)行政院刪減司法院提出之年度司法概算 (D)依法律規定資遣法官
- 15 依憲法規定及司法院大法官解釋，下列關於預算案之敘述，何者錯誤？
(A)預算案由各院依其職掌分別提出
(B)預算案因事關年度政府收支，須於一定期間內完成立法審議
(C)預算案實質上為行政行為之一種，有稱之為措施性法律
(D)立法院對行政院所提出之預算案，不得為增加支出之提議，包括不得為項目間的挪移
- 16 關於法律與行政命令之敘述，下列何者錯誤？
(A)行政命令在補充法律規範之不足 (B)行政命令牴觸法律者得撤銷
(C)定名為條例、通則者，均屬法律 (D)行政命令原則上需要法律的授權
- 17 依據中央法規標準法，有關法規廢止之敘述，下列何者錯誤？
(A)由於相關法規之廢止致使某法規失其依據而無單獨施行之必要者，主管機關得廢止之
(B)主管機關對於未定有施行期限之法規所為之廢止行為，廢止程序完畢當日該法規即立即失效
(C)法規中定有施行期限者，期滿當然廢止並應由主管機關公告之
(D)命令之原發布機關或主管機關已經裁併者，其廢止或延長由承受其業務之機關或其上級機關為之
- 18 依性別工作平等法之規定，下列何者雇主得不給予薪資？
(A)產檢假 (B)陪產假 (C)家庭照顧假 (D)哺乳時間
- 19 憲法第 21 條：「人民有受國民教育之權利與義務。」國民教育法第 2 條規定：「凡 6 歲至 15 歲之國民，應受國民教育。」此條文係對憲法第 21 條所謂之人民採下列何種解釋方法？
(A)限縮解釋 (B)目的解釋 (C)歷史解釋 (D)反面解釋
- 20 司法院大法官認為獨立行政機關之委員，其人選由立法院決定，違憲，係基於下列那一項原則？
(A)共和國 (B)國家一體 (C)權力分立 (D)國民主權
- 21 公職人員不得與其服務之機關為交易行為；違反者，處該交易行為金額一倍至三倍之罰鍰。上述處罰規定，依司法院解釋意旨，違反下列何種原則？
(A)一事不二罰原則 (B)信賴保護原則 (C)比例原則 (D)平等原則
- 22 甲將自己 M 汽車出租給乙，乙將 M 汽車交給其受僱司機丙保管及駕駛。下列何者正確？
(A)甲為 M 車的直接占有人 (B)乙為 M 車的直接占有人
(C)丙為 M 車的直接占有人 (D)甲、乙、丙均為 M 車的占有人
- 23 繼承人為下列何種行為，需要自掏腰包幫被繼承人還債？
(A)為獲得金錢以購買線上遊戲點數及毒品，故意將被繼承人殺害
(B)在遺產清冊為虛偽之記載情節重大
(C)脅迫被繼承人書立對某繼承人不利之遺囑
(D)偽造遺囑
- 24 在可歸責於旅遊營業人之事由下，其所提供之旅遊服務不具通常之價值與約定之品質時，有關旅客得主張之權利，下列何者錯誤？
(A)應定相當之期限，請求改善
(B)不為改善或不能改善時，得請求減少費用
(C)難於達到預期目的者得終止契約，並請求旅遊營業人送回原出發地，所生費用由旅遊營業人負擔
(D)得請求損害賠償
- 25 關於緊急避難，下列何者正確？
(A)緊急避難所針對的危難不包含來自人的危害
(B)緊急避難的保全利益明顯大於所犧牲的利益可阻卻違法
(C)緊急避難是為使自己或他人免於危難而對侵害者加以反擊
(D)對於合法行為進行反擊，不能主張正當防衛，但可主張緊急避難

- 26 甲欲買刀殺人，五金行老闆乙在不知上情的狀況，賣刀給甲，在甲行兇時，為警查獲。下列何者正確？
 (A)乙不成立幫助犯 (B)乙不知幫助之情，亦成立幫助犯
 (C)乙有詢問義務，應成立不作為幫助犯 (D)乙成立幫助犯，得按正犯之刑減輕之
- 27 下列何人不是公司負責人？
 (A)獨立董事 (B)檢查人
 (C)重整人 (D)非董事擔任薪資報酬委員會之委員
- 28 關於著作權之侵害，下列敘述，何者錯誤？
 (A)侵害著作人格權者，負損害賠償責任
 (B)侵害著作人格權者，雖非財產上之損害，被害人亦得請求賠償相當之金額
 (C)共同著作之個別著作權人，對於侵害其著作權者，非經著作人全體同意，不得行使損害賠償請求權
 (D)侵害著作權之損害賠償請求權時效，自請求權人知有損害及賠償義務人時起，二年間不行使而消滅
- 29 依勞工保險條例規定，如被保險人或其受益人符合請領失能年金、老年年金或遺屬年金給付之條件時，其依法之請領給付可以如何選擇？
 (A)應擇一請領 (B)可以同時請領失能給付及老年給付
 (C)可以同時請領老年給付及遺屬津貼 (D)可以同時請領失能給付及遺屬津貼
- 30 雇主調動勞工工作時，下列何項錯誤？
 (A)不得違反勞動契約之約定
 (B)除法律另有規定外，應基於企業經營上所必須，且不得有不當動機及目的
 (C)調動後工作為勞工體能及技術可勝任
 (D)調動工作地點，縱雇主予以必要之協助，仍不可過遠
- 31 In roadside tests of more than 2,000 drivers, researchers found that 14% of those with a child in the car tested positive for THC, the _____ that creates marijuana's "high."
 (A) component (B) delusion (C) nuance (D) synthesis
- 32 A small colony of shopkeepers and _____ has grown up around the scenic site to supply visitors with food, betel nuts, biscuits and sweetmeats.
 (A) stockholders (B) bystanders (C) hawkers (D) pickpockets
- 33 In a gloomy night, the clouds came in large billows, _____ the moonlight and turned the sky a dull gray.
 (A) dropped out (B) blotted out (C) cleared up (D) woke up
- 34 Individuals had to learn the importance of clean hands and basic personal sanitation to stop the _____ spread of infectious disease.
 (A) rampant (B) vacant (C) elaborate (D) exquisite
- 35 Many people in the community have a(n) _____ distrust of the police, accused of collective bribery.
 (A) self-absorbed (B) second-hand (C) deep-seated (D) empty-handed
- 36 Prague is a stunning city, and this _____ capital of the Czech Republic makes a romantic and vibrant city-break destination.
 (A) thriving (B) withering (C) meagre (D) desolate
- 37 Finding a new species of different mammals and plants is a living proof of how much we have to learn about the planet's _____.
 (A) smuggle (B) maintenance (C) biodiversity (D) perseverance
- 38 Animal _____ is now a year-round problem because urbanization has threatened wildlife, and people get crazy when an animal invades their home.
 (A) nuisance (B) pension (C) shelter (D) plague
- 39 The data gives support to our argument and _____ their claim as incorrect.
 (A) confesses (B) confuses (C) refutes (D) resigns
- 40 Almost one thousand students will _____ at the university's gymnasium to attend the graduation commencement in June.
 (A) certify (B) chatter (C) coincide (D) converge

請依下文回答第 41 題至第 45 題：

Several years back, I visited Iceland in the dead of winter. I was researching a book on global happiness, and the small Nordic nation intrigued me. What was this country, adrift in the freezing North Atlantic, doing 41 atop the world's happiness rankings?

In pursuit of answers, I buttonholed anyone willing to talk, dined on rotten shark, drank excessively, and, of course, 42 a dip in the Blue Lagoon, the otherworldly geothermal waters that have become synonymous with Icelandic bliss. Shortly after I left, Iceland's largest banks 43 belly up and the nation's economy teetered on the verge of

collapse, collateral damage from the global financial meltdown of 2008. The unemployment rate spiked eightfold. Trust in institutions, like the banks and parliament, plummeted. I assumed that the nation's happiness also nosedived.

I was wrong. "The economic crisis had a 44 effect on happiness," according to health scientist Dora Gudmundsdottir, author of an exhaustive study published in the Social Indicators Research Journal. Not only did the nation's overall happiness dip only slightly during the crisis, but 25% of Icelanders reported greater happiness. What was going on?

I emailed Karl Blöndal, a newspaper editor I had met in Reykjavik. "A lot of individuals have been hit hard, pensioners lost their savings. But one thing about living in a small community is that everyone you know is 45 reach," he explained. "Those who lose their jobs are not isolated, the risk of estrangement is not the same as it would be in bigger societies."

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|----|---------------|--------------|--------------|-----------------|
| 41 | (A) perched | (B) situated | (C) perching | (D) situating |
| 42 | (A) made | (B) took | (C) got | (D) showed |
| 43 | (A) sustained | (B) held | (C) ended | (D) went |
| 44 | (A) obverse | (B) absolute | (C) limited | (D) significant |
| 45 | (A) within | (B) far from | (C) beyond | (D) out of |

請依下文回答第 46 題至第 50 題：

Words like stoical, practical and pragmatic are just a few words that could be applied to describe the stereotypical Spaniards. The word "superstitious" usually is not on the list. However, once a year in the run-up to Christmas, it seems that their rationality goes out the window and many people change their patterns of behavior radically for just a few weeks. To understand why, we first need to understand "the fat one."

"The fat one" refers to the 205-year-old Spanish Christmas Lottery, "El Gordo," which is the biggest lottery in the world in terms of the total prize money on offer. Its fund structure allows many more winners than other conventional lottery draws. This hugely popular lottery draw first took place in 1812 and has been held on December 22 every year since then, even continuing through the Spanish Civil War and both World Wars. Winning numbers are drawn by children from Madrid's San Ildefonso school, which was originally a home for orphans of civil servants. The pupils deliver the results in a song by picking and singing out a lottery number from one big golden drum, and then its corresponding prize amount from the other drum. On this date, the streets of Spain are silent as everyone watches the broadcast of the El Gordo lottery draw, a love affair which can take over three hours.

There are many superstitions about the El Gordo lottery tickets. Some people claim that rubbing your lottery ticket against a pregnant woman's belly, a bald man's head or a cat's back will make it a winner. In the northwestern region of Galicia, lottery players hang their tickets on horseshoes. In other regions, people tuck their ticket next to a figure of the Virgin Mary. Some Spaniards believe that the key to good luck comes in the form of an actual key, so they carry an old iron key in their pocket with the lottery ticket.

- 46 What is this passage mainly about?
- (A) Different types of Christmas lotteries in Spain.
 (B) Different ways to purchase the Spanish lottery.
 (C) The long history of the Spanish lottery system.
 (D) The introduction and superstitions of the El Gordo lottery.
- 47 What is considered lucky when it comes to playing the El Gordo lottery?
- (A) Rubbing the tickets against a cat's belly.
 (B) Placing the tickets with keys by the door.
 (C) Donating money to San Ildefonso school.
 (D) Hanging the tickets with horseshoes.
- 48 Which of the following statements is NOT true about the EL Gordo lottery?
- (A) Some people in Spain become superstitious about it right before Christmas.
 (B) Its winners outnumber other conventional lottery winners.
 (C) Schoolchildren are considered lucky in its draw.
 (D) A great number of Spaniards participate in it.
- 49 How are the winning numbers of the El Gordo lottery announced?
- (A) They are decided less than 3 hours before Christmas.
 (B) They are printed in a newspaper.
 (C) They are drawn by Spanish civil servants.
 (D) They are presented in a song.
- 50 Which of the following words is closest in meaning to the underlined word "key" in the last sentence?
- (A) Pitch (B) Tone (C) Secret (D) Response