

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：警察人員考試

等別：四等考試

類科別：水上警察人員輪機組、水上警察人員航海組

科目：中華民國憲法與水上警察專業英文

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。

- 關於監察院之行使職權，下列敘述何者錯誤？
(A)監察院設審計長，行使監察院之審計權
(B)監察院對公務員提出彈劾，由公務員懲戒委員會審議
(C)監察院行使調查權，不受法務部調查局之拘束
(D)監察院得調閱偵查終結起訴案件之卷證
- 下列何者屬司法院大法官審理之標的？
(A)關於行政處分是否違憲之審查
(B)關於行政命令是否違憲之審查
(C)關於行政契約是否違憲之審查
(D)關於行政指導是否違憲之審查
- 依司法院釋字第 509 號解釋之意旨，言論自由之功能不包括下列何者？
(A)保障生存
(B)追求真理
(C)溝通意見
(D)實現自我
- 依憲法增修條文規定，有關總統、副總統之彈劾，下列敘述何者錯誤？
(A)由監察院提出
(B)由司法院大法官審理
(C)應經憲法法庭判決
(D)彈劾成立時，應即解職
- 依司法院大法官解釋意旨，擔任下列那項職務之人員，並無應邀至立法院委員會備詢之義務？
(A)考試院院長
(B)考試院秘書長
(C)銓敘部部長
(D)考選部高普考試司司長
- 有關總統，下列敘述何者正確？
(A)總統為國家元首，亦為憲法明文規定之最高行政機關
(B)基於權力分立，憲法明文規定總統向立法院負責
(C)依憲法增修條文規定，總統得決定國家安全大政方針
(D)依憲法增修條文規定，彈劾總統係由監察院為之
- 除內亂、外患罪受刑事之訴追外，下列何者係屬總統所得享有之特權？
(A)卸任後之刑事豁免權
(B)於他人刑事案件為證人之豁免權
(C)民事損害賠償責任之豁免權
(D)國家機密特權
- 關於立法委員之選舉，下列敘述何者錯誤？
(A)選舉制度是採所謂的單一選區兩票制
(B)政黨比例代表有百分之五門檻限制
(C)立法院立法委員自第七屆起 113 人，任期四年
(D)政黨比例代表制下，為求男女平等，已無婦女保障名額規定
- 依憲法增修條文之規定，立法院人事同意權之行使，不包括下列何者？
(A)大法官
(B)考試委員
(C)行政院院長
(D)監察委員
- 依司法院釋字第 530 號解釋，關於檢察一體原則，下列敘述何者錯誤？
(A)檢察總長及檢察長有指揮監督各該署及所屬檢察署檢察官之權限
(B)檢察總長、檢察長得親自處理其所指揮監督之檢察官事務，並得將該事務移轉於所指揮監督之其他檢察官處理之
(C)檢察官實施偵查，受檢察總長或其所屬檢察長之指揮監督，與法官之審判獨立尚屬有間
(D)各級檢察署之行政監督，僅得由檢察總長或其所屬檢察長為之

- 11 依司法院大法官審理案件法規定，有關憲法法庭，下列敘述何者錯誤？
(A)司法院大法官組成憲法法庭，合議審理政黨違憲之解散案件
(B)憲法法庭應本於言詞辯論而為裁判
(C)憲法法庭行言詞辯論，須有大法官現有總額三分之二以上出席，始得為之
(D)憲法法庭為發見真實之必要，得囑託檢察官或調度司法警察為搜索、扣押
- 12 司法院釋字第 768 號解釋認為具雙重國籍之國民不得任公立醫療機構中公職醫師之規定未違憲，關於其理由，下列敘述何者錯誤？
(A)公職是特殊類型的工作，應考試服公職權應為工作權之特別類型
(B)公務人員與國家間有緊密之忠誠信任關係，立法者對於其資格具有較大之形成自由
(C)法律未禁止具雙重國籍者擔任教育人員，卻禁止其擔任公立醫療機構醫師，該差別待遇亦屬於立法形成自由
(D)憲法基本國策規定國家應推行公醫制度，此為憲法委託，立法者負有制定法律之義務，但享有較大之形成自由
- 13 下列何者不屬於憲法及增修條文所定之司法權範圍？
(A)公務員之懲戒
(B)政黨違憲解散之宣告
(C)是否與他國締結外交關係
(D)法律及命令之統一解釋
- 14 依司法院大法官解釋，關於憲法第 13 條宗教自由之保障，下列敘述何者錯誤？
(A)基於政教分離原則，宗教團體應享有免稅待遇
(B)內在信仰之自由應受絕對保障，不得加以侵犯或剝奪
(C)信仰宗教者對國家應負之基本義務與責任，不得因宗教信仰之關係而免除
(D)基於宗教中立原則，國家不得對人民特定信仰給予優待或不利益
- 15 甲、乙 2 人對於同一民法規定聲請釋憲，司法院大法官於 10 月 7 日針對甲之聲請作成解釋，宣告該規定違憲，並於 2 年後失效。乙之聲請雖經受理，但未併案審理。依司法院大法官相關解釋之意旨，下列敘述何者正確？
(A)該解釋具有一般之拘束力，應於 10 月 9 日起發生效力
(B)甲不得依該解釋提起再審之訴以求救濟
(C)乙得依該解釋提起再審之訴以求救濟
(D)行政機關於 2 年內不得適用該違憲規定
- 16 依司法院大法官解釋，關於隱私權之保障，下列敘述何者錯誤？
(A)保障個人生活私密領域免於他人侵擾及維護個人資料自主控制之權利
(B)人民決定是否及如何揭露其個人資料，以及知悉、控制及更正錯誤記載之權利
(C)人民不受任意臨檢、取締或隨機檢查、盤查之隱私權
(D)人民團體之財務運作與資金流向不受國家干預之財務自主隱私權
- 17 下列何者尚未經司法院大法官解釋肯認為憲法第 22 條所保障之權利？
(A)自主決定是否墮胎之自由
(B)自主決定是否及與何人結婚之自由
(C)自主決定是否及與何人發生性行為之自由
(D)子女確定其生父之真實血統關係之權利
- 18 依司法院大法官解釋，關於契約自由之保障，下列敘述何者錯誤？
(A)涉及財產處分之契約兼受憲法第 15 條財產權及第 22 條之保障
(B)契約自由為個人自主發展與實現自我之重要機制
(C)國家對契約自由之限制均須予以合理之補償
(D)國家基於維護公益之必要，得以法律對契約自由為合理之限制
- 19 依司法院大法官解釋之意旨，下列差別待遇，何者合憲？
(A)以國籍和法律實施區域為分類標準，針對請領勞工保險眷屬喪葬津貼之資格予以限制
(B)以家長之性別作為分類標準，規定對於未成年子女權利之行使，意思不一致時，由父行使
(C)以相同性傾向之伴侶不具有生育能力為由，禁止其辦理法律上之婚姻登記
(D)以是否具警察教育體系學歷為分類標準，區別考試筆試錄取人員之考試訓練機構
- 20 依司法院大法官解釋，關於結社自由，下列敘述何者錯誤？
(A)結社自由保障人民有組成團體、參與活動的自由
(B)結社自由保障人民團體有決定成員資格和負責人產生方式的絕對自由
(C)結社自由保障人民有不參與結社團體的組成及相關事務的自由
(D)結社自由之保障範圍包括人民集體的意見表達

- 21 依憲法、增修條文及司法院大法官解釋，關於行政院院長副署權，下列敘述何者錯誤？
(A)總統因行政院院長之呈請而發布解散立法院之命令，須經行政院院長之副署
(B)基於行政權內部制衡之設計，總統公布法律須經行政院院長之副署
(C)總統發布依憲法經立法院同意任命人員之任免命令，無須行政院院長之副署
(D)總統發布緊急命令，須經行政院院長之副署
- 22 司法院大法官已承認之憲法第 22 條非明文權利，不包括下列何者？
(A)性行為自由 (B)婚姻自由 (C)財務自由 (D)契約自由
- 23 有關憲法第 16 條規定之人民請願、訴願及訴訟之權，下列敘述何者正確？
(A)請願係人民向司法機關提起，並須由法院判決之 (B)訴訟之標的，僅限於憲法或公法上之爭議
(C)訴願之標的為所有行政行為 (D)請願與訴願均為法院外之救濟途徑
- 24 依司法院釋字第 550 號解釋，有關中央與地方之分擔全民健康保險法相關經費，下列敘述何者錯誤？
(A)全民健康保險法屬中央立法並執行之事項
(B)地方對全民健康保險事項負有協力義務
(C)全民健康保險制度之行政經費，應由中央與地方共同分擔
(D)中央得依據法律使地方分擔保險費之補助
- 25 依司法院大法官審理案件法之規定，下列何者得就其行使職權適用憲法發生疑義，依現有總額一定比例以上聲請釋憲？
(A)立法委員 (B)監察委員 (C)考試委員 (D)地方議會議員
- 26 When performing the boarding and inspection mission, the Coast Guard officers on duty should be in _____ and carry their service certificates.
(A) uniforms (B) unison (C) union (D) unity
- 27 The oil spiller in the sea shall have primary responsibility of conducting clean-up operations under the _____ and assistance of the Coast Guard Administration.
(A) supererogation (B) superimposition (C) supernutrition (D) supervision
- 28 Last month, the Taiwan Coast Guard conducted an inspection and seized approximately 136 kg of cocaine intended to _____ into Taiwan.
(A) steal (B) swap (C) swarm (D) smuggle
- 29 The Taiwan CGA is effective in protecting and _____ Taiwanese maritime rights and interests in the East and South China Sea.
(A) relegating (B) regulating (C) regaling (D) regressing
- 30 Illegal fishing vessels in the territorial sea of Taiwan should either be “expelled” or “_____.”
(A) disdained (B) detoured (C) detained (D) detached
- 31 The authorities said that dozens of people trapped on a scuba diving boat that caught fire off the Southern California coast appear to have died from smoke _____, not burns.
(A) discrimination (B) orientation (C) inhalation (D) speculation
- 32 The ship or boat having the right of way in a meeting situation is called a _____ vessel.
(A) categorized (B) privileged (C) towed (D) dragged
- 33 _____ illegal fishing activities from neighboring nations is an area of increasing emphasis for the Taiwan Coast Guard Administration.
(A) Grabbing guns toward (B) Cracking down on
(C) Going between (D) Cracking the doom of
- 34 When the navigator plots a course to steer, many situations require an allowance for a tidal stream and _____.
(A) track (B) set (C) drift (D) leeway
- 35 The investigation and _____ of illegal vessels or people entering or exiting the country is one of the missions of the Taiwan Coast Guard.
(A) seizure (B) selection (C) suspense (D) suspicion
- 36 Many countries have taken steps to control the spread of the virus within the services, including stopping the movement of troops between _____ worldwide and canceling training exercises and even delaying some basic training for recruits.
(A) installations (B) confrontations (C) sophistications (D) occupations

- 37 Authorities have _____ their search for two fishermen who went missing after their boat collided with a chemical tanker off the coast. First responders searched more than 49 square miles before the operation was called off.
(A) comprised (B) suspended (C) interrogated (D) entangled
- 38 Since hundreds of thousands of migrants flooded into that country, its far-right leader defended his position not to allow more than 100 migrants, who had been rescued at sea, to _____ from a coast guard vessel.
(A) sponsor (B) disembark (C) associate (D) submerge
- 39 The US Coast Guard said there are 114 cruise ships either in or near US ports and waters. This includes 73 cruise ships, moored or anchored in US ports and anchorages. Another 41 cruise ships are underway and still in the _____ of the United States.
(A) ingenuity (B) vicinity (C) legitimacy (D) disposition
- 40 Border and coast guards in Britain and France have recently _____ several attempted crossings. They rescued 31 migrants trying to cross the English Channel overnight after the engine of one small boat cut out.
(A) interpreted (B) fluctuated (C) nominated (D) intercepted

請依下文回答第 41 題至第 45 題：

Who owns the seas has always been a difficult concept. In 1945, President Truman extended U.S. jurisdiction to the end of its continental shelf. The continuation of the land mass underwater until it drops down to the ocean floor. Then the U.S. built the world's first off shore oil platform out of sight of land in the Gulf of Mexico in 1947, 10 and a half miles off the Louisiana coast. That started a race to claim oceanic resources. This 41 a lot of countries clashing over their perceived rights. For example, the UK and Iceland had no less than three disputes known as "Cod Wars" over the fish in 42 are now Icelandic waters.

To mediate these disputes, the United Nations Convention on the Law of the Sea or UNCLOS was drawn up and came into force in 1994. It carved up maritime territory into four main sections, typically 43 from the low water line on a nation's shores. Within the territorial waters, a state can regulate use and has ownership over any resources found within. Foreign states can sail through but they have to 44 the nation's laws. Within the contiguous zone, a state can continue to enforce laws in four specific areas, customs, taxation, immigration and pollution. Within the exclusive economic zone, the state has the sole rights over natural resources but foreign states may sail through, lay underwater cables and even pass through for military reasons. And on the continental shelf, a state has the rights to resources in the subsoil of the continental shelf but not the water column above 45 it is beyond the EEZ. Although 168 parties have ratified UNCLOS, it has far from resolved maritime territory disputes.

- 41 (A) crosses out (B) sets off (C) leads to (D) results from
- 42 (A) what (B) which (C) that (D) there
- 43 (A) to measure (B) be measuring (C) to be measured (D) measured
- 44 (A) abide by (B) put aside (C) fall apart (D) pass out
- 45 (A) whether (B) if (C) though (D) otherwise

請依下文回答第 46 題至第 50 題：

A historic sailing ship has crashed just days after taking to the water following an extensive renovation project. The 121-foot Elbe No. 5 collided with the 466-foot Astrosprinter on the Elbe river near Hamburg, Germany. Eight passengers 46 the Elbe No. 5 were injured in the collision. They were rescued from the boat and taken to different local hospitals. Emergency services secured the ship because of fears of oil leaks and a rescue company will investigate the possibility of recovering the wreck.

The cause of the crash is not yet known, but an investigation continues. The Hamburg Maritime Foundation, 47 owns the ship, released a statement on the accident. "We are deeply saddened by the collision. Our thoughts are with the passengers and the members of the ship's crew who were hurt," 48 the statement.

The Elbe No. 5 was built in 1883, making it the city's oldest fully wooden ship and it recently underwent significant renovation work. After decades as a pilot boat 49 larger ships into Hamburg's port, the Elbe No. 5 was used as a houseboat by an American journalist. In 2002, it was brought home to be used as a pleasure boat for tourists by the Hamburg Maritime Foundation. The renovation project was announced in September 2018. Just over a week later, the collision wrecked the historic vessel. Wolfgang Bentz, who was involved in the restoration, said that he had watched over the wreck after the accident and couldn't sleep all night. 50, Bentz believes the Elbe No. 5 could sail again. "It's made of wood and had some damage before," he said. "Let's see what further damage is added in the rescue effort."

- 46 (A) in abundance (B) on time (C) on board (D) in control
- 47 (A) that (B) which (C) where (D) what
- 48 (A) performed (B) had (C) talked (D) read
- 49 (A) was used to guide (B) used to guiding (C) was used guiding (D) used to guide
- 50 (A) In other words (B) However (C) Therefore (D) In no time