

108年公務人員特種考試警察人員、一般警察人員考試及
108年特種考試交通事業鐵路人員、退除役軍人轉任公務人員考試試題

代號：1301
頁次：6-1

考試別：一般警察人員考試、鐵路人員考試、退除役軍人轉任公務人員考試

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。

- 1 依憲法增修條文及司法院大法官解釋，有關不分區立法委員之敘述，下列何者錯誤？
 - (A)設置不分區立委之目的係使部分立委於行使職權時，不為地區民意侷限，而能發揮維護國家整體利益之功能
 - (B)全國不分區立法委員名額係以政黨比例方式產生
 - (C)不分區立委不得由選民以投票方式，予以罷免
 - (D)不分區立委喪失其政黨黨員資格時，仍不喪失其中央民意代表之資格
- 2 依司法院釋字第461號解釋，關於立法委員的院會質詢權，下列敘述何者錯誤？
 - (A)立法委員有質詢之權，係民意政治及責任政治之落實
 - (B)立法委員得就施政方針對行政院院長為質詢
 - (C)立法委員得就國防事務對國防部長為質詢
 - (D)立法委員得就相關國防事務，質詢參謀總長
- 3 總統於何種情況下，得宣告解散立法院？
 - (A)行政院對立法院議決之法律案提出覆議，經全體立法委員二分之一以上決議維持原案者
 - (B)緊急命令生效期間，立法院通過對行政院院長之不信任案
 - (C)行政院院長辭職
 - (D)立法院通過對行政院院長之不信任案，經行政院院長呈請總統解散，並諮詢立法院院長
- 4 依司法院釋字第472號解釋，有關全民健康保險制度，下列敘述何者錯誤？
 - (A)對於無力繳納保費者，國家應給予適當之救助
 - (B)對遲延繳納保費者，亦不得加徵滯納金
 - (C)基於危險分擔之考量，需強制納保
 - (D)已參加公、勞、農保者，仍應參加全民健康保險
- 5 地方政府命令曾與急性傳染病病人接觸或疑似被傳染者，應受強制隔離，隔離期間14日。依司法院大法官解釋，下列敘述何者錯誤？
 - (A)系爭強制隔離處置使人民在一定期間內負有停留於一定處所，不與外人接觸之義務，否則應受一定之制裁，已屬人身自由之剝奪
 - (B)系爭強制隔離處置非由法院決定，有違憲法第8條正當法律程序保障人民身體自由之意旨
 - (C)系爭強制隔離處置雖涉及人身自由之限制，但並未違反比例原則
 - (D)系爭強制隔離處置之目的係為保護人民生命安全與身體健康，與刑事處罰之本質不同，其明確性之審查得採一般標準，而非嚴格審查
- 6 依司法院大法官解釋，關於新聞自由，下列敘述何者錯誤？
 - (A)廣播電視對社會有重大影響，應基於自律觀念善盡其社會責任
 - (B)為促進媒體報導或評論之確實、公正，一般民眾得依一定條件，要求傳播媒體提供版面或時間，許其表達意見
 - (C)考量廣播電視之電波頻率為有限性之公共資源，故國家應僅得將其分配予公營廣播電視事業使用，以避免濫用
 - (D)媒體以跟追方式進行採訪，應視該事件是否屬大眾所關切並且為公益性事務，而其跟追亦非社會通念所不能容忍者，方受憲法新聞自由之保障

- 7 依司法院大法官解釋，關於種族平等，下列敘述何者錯誤？
(A) 憲法第 5 條與憲法第 7 條分別提及「民族」與「種族」之平等
(B) 國家應保障原住民族之地位及政治參與，故得於立法委員選舉中，規定原住民族之當選名額不得低於總名額之十分之一
(C) 政府採購得標廠商員工總人數逾 100 人者，應進用一定比例原住民之規定，使廠商受憲法保障之財產權及營業自由受到限制
(D) 國家應積極透過具體政策與作為，增進原住民長期穩定之工作機會及專業技能
- 8 依司法院大法官解釋，關於國家強制取得人民個人資料，下列敘述何者錯誤？
(A) 應受法律保留原則之拘束
(B) 若所蒐集者並非私密敏感之個人資料，法院應採取低密度審查
(C) 應基於公益之必要，且須符合比例原則
(D) 國家蒐集個人資料應該有明確之目的，並且以符合蒐集目的之方式正當使用
- 9 依司法院大法官解釋意旨，關於姓名權，下列敘述何者正確？
(A) 人之姓名為其人格之表現，姓名權為人格權之一種，受憲法第 22 條保障
(B) 姓名權係保障人民有決定其名之權利，但須一概從父性
(C) 不能以讀音會意擴大解釋而主張姓名之字義粗俗不雅，並據以申請改名
(D) 考量姓名之更改影響廣泛，得限制僅於成年後始得為之
- 10 法人不能享有下列何種自由權利？
(A) 集會自由 (B) 訴訟權 (C) 宗教自由 (D) 選舉權
- 11 依憲法及司法院大法官解釋意旨，有關立法院對於預算案之審議，下列敘述何者錯誤？
(A) 對於行政院所提預算案，不得為增加支出之提議
(B) 對於行政院所提預算案得為合理之刪減
(C) 對於行政院所提預算案，得在預算之款項目節間移動增減
(D) 對於行政院所提預算案，須經三讀程序議決
- 12 關於獨立行政機關，下列敘述何者錯誤？
(A) 獨立行政機關依法獨立行使職權，但行政院仍須對獨立行政機關施政之良窳負政治責任
(B) 立法院不得實質剝奪行政院有關獨立行政機關之人事決定權
(C) 獨立行政機關委員受任期保障，但行政院院長仍得對其行使最低人事監督權
(D) 立法院透過對獨立行政機關預算之審議監督，以確保獨立行政機關之獨立性
- 13 依據憲法本文及增修條文規定，下列何者屬於監察委員之職權？
(A) 彈劾地方民意代表 (B) 彈劾法官 (C) 糾舉行政機關 (D) 糾正公務人員
- 14 依憲法增修條文規定，有關行政權及立法權之關係，下列敘述何者正確？
(A) 為避免國家或人民遭遇緊急危難或應付財政經濟上重大變故，總統得直接發布緊急命令
(B) 行政院院長由總統提名、立法院同意
(C) 總統應提名立法院最大黨之黨魁為行政院院長
(D) 總統發布解散立法院之命令，無須行政院院長之副署
- 15 依憲法增修條文規定，有關司法院大法官，下列敘述何者錯誤？
(A) 司法院設大法官 15 人 (B) 大法官由總統提名，經立法院同意任命之
(C) 大法官均受法官終身職待遇之保障 (D) 並為院長、副院長之大法官，不受任期之保障
- 16 當事人約定，一方為他方報告訂約之機會，或為訂約之媒介，他方給付報酬之契約。稱為：
(A) 委任 (B) 居間 (C) 代辦商 (D) 承攬
- 17 甲以自己名義，將乙所有之 A 車以新臺幣 40 萬元賣給丙，尚未交付。下列敘述何者正確？
(A) 甲之行為構成無權處分 (B) 甲、丙間之買賣契約不生效力
(C) 甲對乙構成侵權行為 (D) 丙得對甲請求交付 A 車

- 18 有關法律效力中之事的效力及其適用範圍之敘述，下列何者錯誤？
(A)所謂事的效力係指法律在施行時，僅能對法律所規範之事項發生效力者
(B)犯罪行為構成要件及處罰法律效果，非行為時有法律明文規定，不得加以論罪科刑
(C)違反行政法上義務之處罰，以行為時之法律或自治條例有明文規定者為限
(D)民事法上權利義務，僅得依據民法之條文處理之
- 19 債權移轉，下列何種擔保，不隨同移轉？
(A)留置權 (B)最高限額抵押權 (C)保證 (D)動產抵押權
- 20 舊懲治走私條例第 2 條第 1 項規定：「私運管制物品進口、出口逾公告數額者，處 7 年以下有期徒刑，得併科新臺幣 3 百萬元以下罰金。」第 3 項規定：「第一項所稱管制物品及其數額，由行政院公告之。」，司法院釋字第 680 號解釋宣告上開規定違憲，主要係因其違反下列何者？
(A)法律優位原則 (B)法律不溯及既往原則 (C)不當聯結禁止原則 (D)授權明確性原則
- 21 行政機關得依其法定職權訂定之規定，不包括下列何者？
(A)行政規則 (B)自治規則 (C)法規命令 (D)職權命令
- 22 有關行政規則之敘述，下列何者錯誤？
(A)行政機關發布行政規則，毋需法律授權
(B)行政規則對於人民無直接拘束力
(C)行政法院裁判時，不受行政規則之拘束
(D)受不利裁判之人民，對於行政法院確定裁判所適用之行政規則，不得聲請大法官解釋，進行違憲審查
- 23 法律規定之事項已執行完畢，或因情勢變遷，無繼續施行之必要者，該法律應如何處理？
(A)當然廢止，由主管機關公告之 (B)當然廢止，由主管機關報請總統公告之
(C)應廢止之，由主管機關報請行政院宣告之 (D)應廢止之，由立法院通過，總統公布
- 24 司法院釋字第 3 號解釋肯定監察院就其執掌得向立法院提出法律案，並謂「遍查國民大會實錄，及國民大會代表全部提案，對於此項問題，曾無一人有任何反對或相異之言論」，此係採用何種法律解釋方法？
(A)文義解釋 (B)目的解釋 (C)歷史解釋 (D)體系解釋
- 25 下列何者不得主張信賴保護原則之適用？
(A)行政法規之廢止 (B)依法律規定廢止授益處分
(C)行政處分之撤銷 (D)負擔之事後追加
- 26 依臺灣若干族群的習俗，訂定婚約時，男方給與女方的聘金，於下述何種情況係不得請求返還或賠償？
(A)解除婚約 (B)婚約無效 (C)撤銷婚約 (D)裁判離婚
- 27 因有不得已之事由，旅遊營業人變更旅遊內容時，下列敘述何者正確？
(A)如因變更旅遊內容而增加費用時，旅遊營業人不得向旅客收取
(B)如因變更旅遊內容而減少費用時，旅客不得請求退還
(C)如旅客不同意時，旅客得終止契約，但不得請求送回原出發地
(D)因變更旅遊內容，旅客得隨時終止契約，並得請求返還支付之全部旅遊費用
- 28 甲收到乙賣場寄來之產品型錄，見到型錄上正在促銷熱賣電熱水壺，甲於是前往乙賣場購買水壺，詎料返家後甲覺得水壺不是很好用，於是將水壺攜回乙賣場要求退錢。下列敘述，何者正確？
(A)甲可以要求乙賣場退錢，因為這是現場交易
(B)甲可以要求乙賣場退錢，因為企業經營者應負產品責任
(C)甲不能請求賣場退錢，甲乙間為一般買賣，非通訊交易
(D)甲不能請求賣場退錢，甲乙間為訪問交易，非一般買賣
- 29 有關我國勞工保險條例對於被保險人罹患傷病時門診給付範圍，下列何者不在範圍內？
(A)診察（包括檢驗及會診） (B)藥劑或治療材料
(C)處置、手術或治療 (D)膳食費用 30 日內之半數
- 30 關於家庭暴力防治法之規定，下列敘述何者正確？
(A)家庭暴力僅指家庭成員間實施身體、精神之騷擾、控制、脅迫或其他不法侵害之行為
(B)將目睹兒少納入保護服務範圍，各級學校應進行目睹家庭暴力兒童及少年之輔導措施
(C)未同居親密關係伴侶發生對伴侶施以身體或精神上不法侵害之情事者，準用聲請保護令所有款項
(D)通常保護令有效期限為 2 年，每次聲請延長期間為 1 年以下

- 31 When Amy frowned upon Alex's comment on her seemingly overweight body, Alex knew right away that he had made a social _____ about a woman's weight.
(A)blunder (B)deposit (C)fragment (D)heritage
- 32 The parents didn't believe that their son could have committed such a brutal murder and they _____ the judge to release their innocent son from jail.
(A)condemned (B)importuned (C)neutralized (D)obligated
- 33 The intern tries to fulfill the expectations of the boss and _____ her own agenda at the same time.
(A)meet (B)grow (C)pay (D)sow
- 34 While Jane is excited about a business trip to Europe, she is also a little _____ since she has never been abroad.
(A)addicted (B)practicing (C)apprehensive (D)punctual
- 35 The traveller has no _____ of staying in Australia longer than 3 months.
(A)integrity (B)intensity (C)intention (D)intelligence

請依下文回答第 36 題至第 40 題，並依文意從四個選項中選出最合適者，答案選用不能重覆：

A tsunami is unnoticeable in the open ocean—a long, low wave whose power becomes clear only when it reaches shore and breaks. 36 Spotting the wave while it's still crossing the ocean is tricky, which explains why so few of us are aware of the one that's approaching. 37 As it does, it will make the computer revolution look like small change. It will affect everything from the batteries we use to the pants we wear to the way we treat cancer. The main thing to know about nanotechnology is that it's small. Really small. Nano, a prefix that means "dwarf" in Greek, is shorthand for nanometer, one-billionth of a meter. 38 This comma, for instance, spans about half a million nanometers. To put it another way, a nanometer is the amount a man's beard grows in the time it takes him to lift a razor to his face. 39 Tear a piece of aluminum foil into tiny strips, and it will still behave like aluminum—even after the strips have become so small that you need a microscope to see them. But keep chopping them smaller, and at some point—20 to 30 nanometers, in this case—the pieces can explode. 40 With them, scientists can engineer a cornucopia of exotic new materials, such as plastic that conducts electricity and coatings that prevent iron from rusting.

- 36 (A)It's a distance that is so minute that comparing it to anything in the regular world is a bit of a joke.
(B)Nanotechnology matters because familiar materials begin to develop odd properties when they're nanosize.
(C)Not all nanosize materials change properties so usefully, but the fact that some do is a boon.
(D)Technological revolutions travel with the same stealth.
- 37 (A)It's a distance that is so minute that comparing it to anything in the regular world is a bit of a joke.
(B)Nanotechnology matters because familiar materials begin to develop odd properties when they're nanosize.
(C)Nanotechnology has been around for two decades, but the first wave of applications is only now beginning to break.
(D)Not all nanosize materials change properties so usefully, but the fact that some do is a boon.
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(B)Nanotechnology matters because familiar materials begin to develop odd properties when they're nanosize.
(C)Not all nanosize materials can change properties so usefully, but the fact that some do is a boon.
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請依下文回答第 41 題至第 45 題：

The Titanic, designed as the largest ship ever to go to sea, was one of the White Star Line's vessels that catered to the most elite passengers. It took three years to build the Titanic and in the end the ship cost \$7.5 million dollars. More than 3000 men were employed in building the Titanic. In the months, and even years, leading up to the maiden voyage of the ship; the White Star Line published numerous marketing materials claiming that the Titanic was designed to be "unsinkable."

The construction methods used in the building of the Titanic were considered to be second to none. Sixteen compartments were said to be watertight. Builders of the Titanic had included steel doors that were supposed to have been capable of shutting in 25 seconds or less, thereby enclosing any water that might have seeped in to threaten the safety of the ship and her occupants.

Of course, we now know from photographs taken of the ship's wreckage, that in all likelihood many of the nearly three million rivets that were employed to hold the ship's hull plates together popped loose when the vessel struck a massive iceberg. Without the rivets to hold the plating together, they quickly **buckled**, allowing water to enter the ship. New theories have suggested that the iron used in the Titanic's construction may not have been the best quality, containing high degrees of sulfur, which made the hull plates particularly susceptible to the icy cold waters of the North Atlantic. Builders of the Titanic can hardly be blamed for the iron's contribution to the tragic sinking, however. The iron used in the construction of the Titanic was standard for the first part of the 20th century. While the high sulfur content in the iron may have played a role in the tragic history of the Titanic, it was not the sole reason the ship sank.

Reports from surviving crew members indicate that the ship had been ordered to proceed through the waters of the North Atlantic faster than safety permitted. Numerous other vessels had reported the presence of several ice flows in the area on the day the ship sank, yet the Titanic made no effort to slow down. When it became obvious that the ship was about to collide with a huge iceberg, crew members attempted to turn the ship, hoping to avoid the berg all together. They were unsuccessful, however, and the ship sustained numerous gashes along the hull. Some theories speculate that had the ship hit the iceberg head-on, the damage would not have been nearly so traumatic and the Titanic and her passengers would have been able to complete their journey.

- 41 According to this passage, which of the following statements is true about the Titanic?
- (A)It was built by a small labor force.
(B)It was built within a short time frame.
(C)It was viewed as unsafe by the general population.
(D)It aimed to attract passengers with high social status.
- 42 What is the best title for this passage?
- (A)The Titanic Movie. (B)Sinking of the Titanic.
(C)Hull Plating on the Titanic. (D)Celebrities on the Titanic.
- 43 According to this passage, which of the following does NOT explain the destruction of the Titanic?
- (A)Excessive speed caused the tragedy.
(B)There was no single factor on which to lay blame.
(C)The shutting of steel doors brought about the shipwreck.
(D)The strike of the iceberg was the major reason for the wreck.
- 44 What does the word "buckled" mean in the third paragraph?
- (A)Bent. (B)Rusted. (C)Defeated. (D)Fastened.
- 45 Which of following statements is true about the last paragraph?
- (A)The head-on strike was the cause of the tragedy.
(B)The crew members made no efforts to avoid the iceberg.
(C)The captain gave an order to slow the ship down on sight of an iceberg.
(D)The ship was sailing at a normal speed as permitted in the beginning of the voyage.

請依下文回答第 46 題至第 50 題：

In the United States, there are about twenty-two million hearing-impaired people; of these, two million are profoundly deaf (unable to hear any thing) or severely deaf (unable to hear much). Hearing impairment results from three major factors that are not necessarily exclusive: environmental, hereditary and old age.

Environmental causes include noise-induced, accidental, toxic, and viral. Noise-induced deafness is primarily a phenomenon of the modern industrial world, though stonemasons, may have been subject to hearing-loss in the ancient world. Permanent deafness resulting from toxicity is also a phenomenon of the modern world. Deafness from accident, such as a blow to the ear, must have resulted from time to time. Viruses, too, were very much part of the ancient world. Of the six main viruses that can cause deafness today—chickenpox, common cold viruses, influenza, measles, mumps, and poliomyelitis—there is evidence for five in ancient Greece. There is also evidence for the presence of bacterial meningitis, whose classic complication is hearing loss. In modern, developed countries, preventative medicine reduces the incidence and severity of these viruses, but in the ancient world, as in third-world countries today, these viruses must have taken their toll.

There is no reason to rule out hereditary deafness in the ancient world, and there is some conjectural evidence for the results of in-breeding, although not specifically for deafness. In addition to inbreeding, other hereditary factors would have produced deafness. Some families simply have a genetic background that favors deafness.

- 46 Compared to the ancient world, what is the chief factor that causes the loss of hearing in the modern industrial world?
- (A)virus (B)noise (C)measles (D)inbreeding
- 47 What is the detail given to explain the deafness caused by accident?
- (A)chickenpox (B)influenza (C)a blow to the ear (D)in-breeding
- 48 What is the reason that modern, developed countries have fewer incidents of viruses-induced deafness?
- (A)Because of the presence of bacterial meningitis. (B)Because of the practice of preventative medicine.
(C)Because of the severity of viruses. (D)Because of the existence of mumps.
- 49 According to the passage, which statement about hereditary deafness in the ancient world is NOT accurate?
- (A)To understand deafness in the ancient world, we need to take hereditary factors into consideration.
(B)There is clear evidence to show that inbreeding will definitely lead to deafness.
(C)Some families tended to have genes that caused deafness.
(D)It can be inferred that in-breeding in the ancient world would probably lead to serious consequences.
- 50 To fully develop the main idea of the whole article, what do you expect the following paragraph, which is not presented here, will be about?
- (A)The description about the hearing loss in elderly people.
(B)The description about the lifestyle of the ancient world.
(C)The comparison between hearing-impairment and hearing-loss.
(D)The consequences of chickenpox and measles.