代號:2101 103年公務人員特種考試司法人員、法務部調查局調查人員、國家安全局

頁步	ζ∶4-1			•		只 4470日1	-	
/ /		國家	安全情報	人 員、	海岸	巡防人員及	人移民行	政人員考試試題
考	試 別:	司法人	員、海岸巡	《防人員、	移民行	亍政人員		
等	别:	三等考	試					
-	. •	• •	-	4、幼田公	= + 6			
			、海巡行政		-			
科	目:	法學知	識與英文((包括中華	医民國思	憲法、法學絲	皆論、英文	()
老	試時間:	1 小時					F.	· 號:
•		• •	一選擇題,請	選出一個正	確武昌谙	當的答案,複過	,-	
/•\ 1-								本試題上作答者,不予計分
			子計算器。		<u> </u>			
1	依司法院为	大法官解釈	釋及現行制度	,下列關於	公務員懲	戒權之敘述,何	可者錯誤?	
	(A)公務員領							
			懲戒權得以法 免職處分實質			官行使		
						戒委員會請求物		
2	刑法第 23:	5條處罰	人民在網際網	路上散布猥	褻性文字	、圖畫或影像	2.72 之行為,係阝	限制憲法上何種基本權利?
_	(A)人身自E		(B)訴	公權		(C)言論自由	 	(D)財產權
3	(A) 言語自	幸子弟 50 5 5 5 5 5 5 5 5 5 5 5 5 5 5 5 5 5 5	9 號解釋,憲 現自我,追求	法保障人民 喜珊,	学月言論 赵英庭的	自由,其根本原		王於:
	(B)言論自F	ロ共分員と	現立我, 其來的權利,	具生,业品。	曾政州 保障並日	切账 不可以限制		
	(C)言論自E	由是人民品	最重要,但不:	是社會普遍	承認的權	利		
	(D)在資訊第	發達的今	日,國家不需	保障言論自		· →/ ┍╦╴/。╥╴→/ ┻╻┡┷ /	→ > → > → → 	
4	化茲國憲法 (A)教師	太久增修1				者應經考試院係		E之? (D)中央研究院研究員
5	依據憲法地	曾修條文規	規定,立法院	得經全體立	法委員幾	分之幾以上連盟	唯一八点 畧,對行政》	完院長提出不信任案?
	(A)四分之3		(B)三分 為所生國家賠	分之二		(C)二分之一		(D)三分之一
6	有關公務員	員侵權行為	為所生國家賠	慣責任之叙	述,下列	何者正確?		
	(A) (K) 図	音慎法規及 き權之成立	定,公務員係 立係採無過失	指似公務人。 青年	貝仕用法	壮州之人貝		
	(C)國家對於	· 大因輕過	失而侵權之公	務員無求償 務員無求償	權			
_			因為國家合法		···		±\t \\	
7	依公職人身 (A)投票日	員選舉能的			不得於卜	列何種時間從 (C)上班時間	事公職人員類	選舉之競選活動? (D)國定假日
8		有之何種6	命令,須經行	木二日 政院院長之	副署?	(C) 上, 以上, 时间		101图足限口
	(A)任命銓敘	该部部長,	之命令 (B)任6	命大法官之命	命令	(C)任命審計長	之命令	(D)任命內政部部長之命令
9	依司法院为	大法官解釈	澤,由下列何	人核發通訊	監察書,	方符合憲法第	12 條有關人	.民秘密通訊自由之保障?
10	(A)法務部記			察局局長 数字法第7	伙	(C)法官 〕則之解釋意旨:	9	(D)檢察官
10	(A) 平等原見	川係保障。	人民在法律上	対悪仏名/ 地位之實質	味干ヲ 平等	. 只了 <u>人</u> . 胖 一 一 一 一 一 一 一 一 一 一 一 一 一 一 一 一 一 一	•	
	(B) 立法者基	表於社會』	政策考量 ,尚:	非不得制定:	法律,將	福利資源為限定	定性之分配	
	(C)法律不行	导授權主领	管機關,斟酌: 注文無使贈念	具體案件事	實上之差	異及立法之目的	内,而為合理	里之不同處置
11	(D) 五次(機) 依司法院系	剛基/() 恵/ 	太人惧阻脰系 號解釋,我同	及基法国的 8需法第 18。	,日侍局 修昕稱「	合理之區別對征服公職之權。自	寸 内「小臘」	,不包含下列何者?
	(A)各級民意	急代表		M100/47/1/10	בדו דו לאאו	(B)人民團體之	職員	
	(C)依法令征	企事於公 和	務者 立葉 (株)	3 H / H - A - A A & & & & & & & & & & & & & & &		(D)中央與地方	機關之公務	
12	依 傳染病院 坦字對於	万冶法乙麸	現定,王賞機 白中之四半 -	弱得令習與作 出土造実 。	專染病病 下列題:	人接觸者強制的	骨雕,可法防 <i>采到八樓</i>	完釋字第 690 號解釋認為,此限制之情形,何者與本號
	程所涉及,			问不连思 [。]	トクリ例が	:八尺莖平惟門	文判公惟刀	限制之间的, 門有與平號門
	(A) 法務部体	衣監獄行开	刑法之規定否	准受刑人提	出之假釋	申請		
	(B)少年法院	完對於吸1	食毒品之少年	作出收容於	少年觀護	所之裁定 稅義務人出境		
	(C)財政部科 (D)敬宛機関	(人) (根) (根) (根) (根) (根) (根) (根) (根) (根) (根	致法規定限制 ラ社命秩序維	火柷産一定 業法ラテカ	数頟之納	祝義務人出境 之裁定執行拘旨	ਹਿ ਹ	
13	下列關於電	直隊國家 伯	化之論斌,何:	者下確?			Ħ	
	(A)中華民國	國之國防	,以維護社會	秩序、謀國	計民生之	均足為目的		
	(B)全國陸海	毎空軍 , タ	須超出個人、:	地域及黨派	關係以外	·,效忠國家		
	い仕門熏》 (D)租怨雷	以区恒人 从速度组	,必要時得以 导兼任文官	此 袋刀重為.	以尹乙丄	. 共		
14	有關我國國	或籍之繼·	受取得方式,		誤?			
	(A)婚姻		(B)出 <i>生</i>	生		(C)收養	tu. O	(D)歸化
15	找國憲法規	見定・中華	華民國為民主	共和國,下	列何者非	民主國家之特征	数 ?	

(A)排除任何的暴力或獨裁專制 (C)依據多數意志作成之人民自我決定 (B)植基於自由、平等 (D)黨國一體制度,未落實多黨原則

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			貝 次・4-2
16	民法第6條規定:「人之權利能力,始於出生,終於死	亡。」,民法第7條規定	:「胎兒以將來非死產者為
	限,關於其個人利益之保護,視為既已出生。」,此兩	兩個條文的關係為:	
	(A)原則法與例外法的關係 (B)母法與子法的關係 (C) 實體法與程序法的關係(D任意法與強行法的關係
17		1日	吊-火比例推薦,
	種原則? (A)民主原則 (B)權力分立原則 (C)	C)依法行政原則 ((D)公益原則
18		C/K/A/JEX/KRJ	50000000000000000000000000000000000000
10	(A)可司法審查性 (B)可變動性 (C)可理解性 ((D)可預見性
19	下列那些機關得向立法院提出法律案?①考試院 ②監	察院 ③中央銀行 ④司法院	完 ⑤總統府
	(A)(1)(2)(3) $(B)(1)(3)$	C)(1)(2)(4)	(D) (1) (2) (4) (5)
20			
	(A)甲交付金錢賄賂公務員乙 (B)甲與有土之婦子通客,因而給付了 100 萬元		
	(B)甲與有夫之婦乙通姦,因而給付乙 100 萬元 (C)甲將違章建築的事實上處分權出賣於乙,乙給付價金 (D)甲教唆乙殺人,因而給付乙 100 萬元	<u>></u>	
	(D)甲教唆乙殺人,因而給付乙 100 萬元	<u> </u>	
21			
	(A)契約履行時,定金應返還或作為給付之一部		
	(A)契約履行時,定金應返還或作為給付之一部 (B)契約因可歸責於付定金當事人之事由,致不能履行時 (C)契約因可歸責於受定金當事人之事由,致不能履行時 (D)契約因不可歸責於雙方當事人之事由,致不能履行時 (D)契約因不可歸責於雙方當事人之事由,致不能履行時	等,定金不得請求返還 2	
	(C)契約因可歸真於受定金富事人之事田,致不能履行時 (C)契約因不可歸妻於難主常東人之東西,致不住房行時	, 第 第 第 第 第 第 第 第 第 第 第 第 第	
22	甲為乙(主債務人)的債務作保證,並代為清償完畢,	寸', 化立應巡返之 , 車後發租促證恝約及主債系	次 恝约毕無効。
22	誰返還所收受之給付?	争及级死的超光的汉上原位	为关约自然从 原惟八虑问
	(A) 甲	B) <u></u>	
	(C)向甲、乙任一人為返還,因為甲、乙為連帶債權人(D)向甲、乙共同返還,因為	9甲、乙為不可分債權人
23	乙於甲之 A 地上有地上權,並將該地上權抵押於內	,其後甲將 A 地所有權移	轉登記於乙。卜列敘述何
	者正確?	D/スラや下韓田油自電源域	4
	(A)乙之地上權因混合而消滅 (C)乙之地上權因混合而消滅 (C)乙之地上權因抵納而消滅 (C)乙之地上權因抵納而消滅 (C)乙之地	B)乙之地上權因混同而消滅 D)乙之地上權不受影響	(
24		50000000000000000000000000000000000000	
	(A)作為賄賂フ對價,僅限於違台職務フ行為		
	(B)賄賂與作為對價之職務,不得僅有概括性之對價關係	系	
	(C)因受賄所得之不正利益,不得追徵其價額		
25	(B)賄賂與作為對價之職務,不得僅有概括性之對價關係 (C)因受賄所得之不正利益,不得追徵其價額 (D)作為賄賂對價之職務行為,不包含不作為在內 我國現行刑法關於共犯之成立,其修法理由係採下列何	可 便 形式 9	
23	(A)極端從屬形式 (B)嚴格從屬形式 (C)	n僅心式: C)限制從屬形式 ((D)最小從屬形式
26		E的制裁措施?	
	(A) 死刑 (B) 自由刑 (0	C)財產刑 ((D)保安處分
27	甲公司為進口商,在其輸入的 DVD 播放器外包裝上標品之銷售與客服,若造成任何財產、身體、生命之損害	示「本商品非本公司製造」	、設計,本公司僅負責本產
	品之朝售與各服,右這放任何財產、身體、生命之損 起火導致其子丙遭濃煙嗆傷。下列敘述何者正確?	善,慨與本公司無觸」。 と	」購貝後,因線路設計壞批
	(4) 国田八司中属明名書,才不得自田八司式燈		
	(B)因下公司宣標的光真,二不停间中公司求值 (B)因丙非買賣契約當事人,丙不得向甲公司求值 (C)因甲公司屬進口商,該商品非由其製造,故乙僅得向 (D)甲公司是進口商,乙仍得向甲公司求值 下列關於著作人格權之敘述,何者正確? (A)引用他人著作內容時,無須表示著作人姓名或名稱 (B)著作人死亡後,由繼承人繼承其著作人格權,以便行 (C)公開發表權僅保護尚未公開發表之著作 (C)公開發表權僅保護尚未公開發表之著作		
	(C)因甲公司屬進口商,該商品非由其製造,故乙僅得向	可國外製造廠商求償	
	(D)甲公司是進口商,乙仍得向甲公司求償		
28	下列關於著作人格權之敘述,何者正確? (A) [1] [2] [4] [4] [4] [4] [4] [4] [4] [4] [4] [4		
	(A)与 用他人者作内谷時,無須表示者作人姓名蚁名稱 (D)莱佐人死亡後,由繼承人繼承其莱佐人枚權,N)便多	元市 只始举 放射 [
	(C)公開發表權僅促鑵治未公開發表之著作	丁文从继受政権们	
	(D)著作人格權保護至著作人死亡後 50 年		
29	(D) 安存権 国际设置 (D) 宏传 (D		
	(A)心神喪失而不堪勝任工作之勞工,只要未滿 55 歲,	仍不得強迫退休	
	(B)工作 15 年以上而年滿 55 歲者得目請退休		
	(C)目前返外性負工局労工之形成權,無須雇土之问息 (D)退休全之经期依然動其進法第55條坦完,長享總數	N 45 個其動物	
30	力性受僱者因生理日致工作有困難者,每日得請生理(f	50 43 個全數為改 8幾日 9	
50	(A) 1 E	C) 3 日 ((D) 4 \boxminus
31	(A) 1 ⊟ (B) 2 ⊟ (Cover the ensuing century, with our increased knowledge of	of the wild and its, the	old city zoo began to wither
	and fade.	3)	(7)
32	(A) fangs (B) inhabitants (C) TV advertisers may be reluctant to sponsor a program that	U) prosperities ((D) reveries
32	that the issues be portrayed delicately.	ucais with social issue	s. If they do, they may insist
	(A) controversial (B) eccentric (C)	C) obsolete	(D) superficial
33	Great chefs understand how to use spices such as ginger an	nd pepper to the flavor of	of their food.
	(A) detect (B) enrich (C)	C) implant ((D) insist
34	There is much about the use of animals in scientific s	studies; some believe it is ne	cessary because it helps cure
	diseases, while some think it is cruel and should be stopped (A) controversy (B) distraction (C)		(D) superstition
35	As a sharp and straightforward businesswoman, Mandy oft	en speaks directly and	to get her points crossed
	(A) punctually (B) raucously	C) squeamishly	(D) trenchantly

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請依下文回答第36題至第38題:

The development of seawater agriculture has taken two directions. Some investigators have attempted to breed salt tolerance into conventional crops, such as barley and wheat. For example, Emanuel Epstein's research team at the University of California at Davis showed as early as 1979 that strains of barley propagated for generations in the presence of low levels of salt could produce small amounts of grain when irrigated by comparatively saltier seawater. Unfortunately, subsequent efforts to increase the salt tolerance of conventional crops through selective breeding and genetic engineering—in which genes for salt tolerance were added directly to the plants—have not produced good candidates for seawater irrigation. The upper salinity limit for the long-term irrigation of even the most salt-tolerant crops, such as the date palm, is still less than five part per 1,000(ppt)—less than 15 percent of the salt content of seawater. Normal seawater is 35 ppt salt.

Our approach has been to domesticate wild, salt-tolerant plants, called halophytes, for use as food, forage, and oilseed crops. We reasoned that changing the basic physiology of a traditional crop plant from salt-sensitive to salt-tolerant would be difficult and that it might be more feasible to domesticate a wild, salt-tolerant plant. After all, our modern crops started out as wild plants. Indeed, some halophytes—such as grain from the saltgrass *Disticblis Palmeri*—were eaten for generations by native peoples, including the Cocopah, who live where the Colorado River empties into the Gulf of California.

- 36 Which of the following can be inferred from the passage?
 - (A) It is possible to domesticate a wild, salt-tolerant plant.
 - (B) It is feasible to add genes for salt tolerance to the plants.
 - (C) It is worthwhile to reduce the salt content of seawater from 35 ppt salt to 15 ppt salt.
 - (D) It is promising to change a traditional crop plant from salt-sensitive to salt-tolerant.
- 37 According to the passage, which of the following plants will grow and produce crops when irrigated by seawater with over 5 ppt salt?

(A) Barley

(B) Wheat

(C) Disticblis Palmeri

(D) Date Palm

- Where do you think the Cocopah live?
 - (A) At the origin of the Colorado River
 - (C) Along the Colorado River

- (B) At the mouth of the Colorado River
- (D) At the dried part of the Colorado River

請依下文回答第39題至第42題:

What makes people smart? It is <u>a question</u> that scientists and philosophers have thought about for centuries, prompting complex calibrations, from head measurements to brain-bending tests. Yet the drive to probe the powers—and the limits—of the human mind has been thwarted by the hard facts of life:the brain was virtually a black box, its inner secrets locked within. Now, scientists are using the latest technology to peer inside. Using machines such as the PET scanner and FMRI machines, which map the changes in the brain's blood flow, researchers at U.C. Irvine and elsewhere are producing the first images of how gifted, and not-so-gifted, minds go about the task of thinking. In one study, Professor Richard Haier of U.C. Irvine found that brighter people have lower metabolic rate probably because their brains are more efficient. However, when bright people are given harder tasks, their brains work harder than the average person's. Apparently, brain activity depends, to some extent, on the difficulty level of the task and the level of effort required.

- 39 Why is it so hard to examine the powers and limits of the human brain?
 - (A) The hard facts of life cannot be measured.
 - (B) The inner secrets of the brain have not been revealed yet.
 - (C) The drive to test the human brain has been encouraged.
 - (D) Complex calibrations are prompted.
- 40 What is the newest way for scientists nowadays to explore the human brain?
 - (A) Giving brain-bending tests

(B) Mapping the changes surrounding the brain

(C) Giving tasks of calibration

- (D) Using machines like the PET scanner
- 41 Which of the following facts was found by Professor Haier?
 - (A) Bright people always have lower metabolic rate.
 - (B) The average person does not work hard when he is given hard tasks.
 - (C) Brighter people have higher metabolic rate when they are given harder tasks.
 - (D) The level of effort required is not in proportion to the difficulty level of the task.
- 42 What do the underlined words "a question" refer to?
 - (A) How to prompt complex calibration
 - (B) How to set up the limits of the mind
 - (C) How to measure the head with brain-bending tests
 - (D) How to investigate the powers and limits of the human brain

請依下文回答第 43 題至第 46 題:

New Yorkers are not notably genial neighbors. Many get to know one another solely by what manages to permeate their deadbolted doors—an odoriferous stew, the wail of a child, the hushed sighs of intimate moments.

But the boom in condos loaded with amenities, along with the construction of some high-end rental buildings, has created opportunities for neighbors to make the transition from polite elevator nods to cocktail-caliber mingling. More and more properties in the city feature community amenities like gyms, lounges, and roof decks. These, and more novel spaces—cinemas, wet bars, squash courts, outdoor rain showers, are putting lounges with a lonely television set to shame, and they are fostering a clubby college-dormitory atmosphere in several developments.

"We're extremely social creatures, and I think people in New York suffer from an inability to really interact with people," said Susan Meiklejohn, associate professor of urban planning at Hunter College. This is not because New Yorkers are cold, Dr. Meiklejohn said, but because the city is so dense that people avoid one another to establish buffer zones. "What level of friendliness can you possibly sustain each day if you have to say hello to everybody you meet on 34th Street?" she said. The design of many new buildings, however, are gradually making New Yorkers venture beyond tight-lipped hellos at the mailbox.

43 According to Dr. Meiklejohn, what accounts for New Yorkers' lack of true interaction with others?

(A) New York is too cold.

(B) New York is too crowded.

(C) New York is too expensive.

- (D) New York is too dangerous.
- 44 According to the passage, what is the change New Yorkers have undergone?
 - (A) They are building more condos and expensive rental buildings.
 - (B) They have learned to enjoy tight-lipped hellos and polite elevator nods.
 - (C) They are developing closer relationships with their neighbors.
 - (D) They have become used to whatever permeates their deadbolted doors.
- According to the passage, which amenity has gradually become out of date for the new buildings in New York?

 (A) Community gyms

 (B) Clubby roof decks

 (C) Outdoor rain showers

 (D) Lounges with a TV set
- Which of the following can be inferred from the passage?
 - (A) New Yorkers are obsessed with cocktail-caliber mingling.
 - (B) New Yorkers change along with their living space.
 - (C) New Yorkers will never make genial neighbors.
 - (D) New Yorkers no longer need buffer zones.

第 47 題至第 50 題為篇章結構,各題請依文意,從四個選項中選出最合適者,各題答案內容不重複

Even in this modern, high-tech age, money is still a great cultural taboo that is rarely discussed openly in the United States, experts say. People can find advice from many self-help books on how to become rich. 47 Not until recently, with large numbers of people afflicted by what psychologists call "money disorders," psychologists and financial planners seem to have found a way to join forces in the budding field of financial therapy, where budget planning meets psychological counseling.

While it is difficult to pinpoint the number of patients or practitioners, experts in psychology and financial planning say the number of professionals offering to treat money disorders has multiplied in the last few years. 48 For example, Dr. Brad Klontz, a financial psychologist, in his study looked at various money disorders at a treatment center, Onsite, in Nashville. 49 It costs \$2,650 and involves six days of group therapy and financial counseling to treat a wide variety of unhealthy and self-destructive behaviors that are not as extreme as pathological gambling or compulsive shopping.

Nevertheless, under the American Psychological Association's professional code of ethics, therapist should not enter into outside relationships with clients, including business arrangements like financial planning. 50 "It could violate the ethical standards of the mental health field if a financial planner who was also trained as a therapist crossed the boundary from asset management or coaching into the realm of providing therapy," said Dr. Klontz.

- 47 (A) Onsite is one of a number of programs and workshops devoted to money disorders.
 - (B) However, the fields of psychology and financial planning have been slow to link money and emotion.
 - (C) In addition, research studies have been conducted to examine the state and treatment of money disorders.
 - (D) With the field of financial therapy so new, Dr. Klontz and others tried to have their voices heard about the murky
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 - (D) And when people come for help around money, "it goes so much deeper than what is in their bank accounts," said Dr. Klontz.
- 50 (A) In addition, research studies have been conducted to examine the state and treatment of money disorders.
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 - (C) With the field of financial therapy so new, Dr. Klontz and others tried to have their voices heard about the murky ethics.
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