

等 別：三等考試

組 別：各組

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 現行中華民國憲法本文係由下列何者所制定？
(A)制憲國民大會 (B)第一屆國民大會 (C)全體國民 (D)立法院
- 2 依中華民國憲法增修條文規定，縣設縣政府，置縣長一人，由：
(A)省主席任命之 (B)縣民選舉之 (C)縣議會選舉之 (D)內政部指派之
- 3 全國公私立教育文化機關，應依下列何者受國家監督？
(A)行政規則 (B)法律 (C)特別命令 (D)行政院指令
- 4 有關秘密通訊之保障，下列敘述何者錯誤？
(A)手機通話內容、時間及地點，禁止公權力未依法定程序探知
(B)當事者要求保密，且具有保密必要之信件才屬保密之對象
(C)郵政電訊人員因工作上自然得知之通訊相關事項，應有保密之義務
(D)對犯罪案件之監聽，須取得法院許可
- 5 下列何者性質上屬於「參政權」？
(A)選舉權 (B)言論自由 (C)宗教信仰自由 (D)財產權
- 6 對立法委員提起選舉或當選無效之訴，應由下列何者審理？
(A)地方法院 (B)高等法院 (C)最高法院 (D)中央選舉委員會
- 7 依中華民國憲法增修條文第 2 條第 3 項規定，總統可發布緊急命令，其要件為：
(A)限於立法院休會期間 (B)宣告者為總統、副總統或行政院院長均可
(C)須經行政院會議決議 (D)須於發布後 1 個月內提交立法院追認
- 8 依中華民國憲法增修條文規定，總統若於新任立法委員選舉投票日後發布緊急命令，立法院應如何處理？
(A)由原立法委員決議追認 (B)無須追認，直接生效
(C)由新任之立法委員於就職後追認 (D)退回總統，不予追認
- 9 下列何種人員之任命命令無須行政院院長之副署？
(A)教育部部長 (B)行政院秘書長 (C)審計長 (D)人事行政局局長
- 10 立法委員之選舉中，下列何者之當選名額應有對婦女之保障？
(A)直轄市區域代表 (B)自由地區原住民代表 (C)僑居國外國民代表 (D)縣市區域代表
- 11 下列何者是中華民國憲法增修條文規定之立法委員中僑居國外國民及全國不分區名額之選舉方式？
(A)政黨比例代表制 (B)多數代表制 (C)地域代表制 (D)職業代表制
- 12 依司法院大法官釋字第 520 號解釋，有關行政與立法關係之敘述，下列何者錯誤？
(A)立法院通過之法定預算屬於對國家機關歲出、歲入及未來承諾之規範授權
(B)行政院對歲出法定預算之停止執行，概屬違憲或違法
(C)預算案經立法院審議通過及公布手續為法定預算，其形式上與法律相當
(D)預算制度乃行政部門實現其施政方針並經立法部門參與決策之憲法建制
- 13 依中華民國憲法增修條文之規定，下列何者須由總統提名，經立法院同意後任命之？
(A)中央研究院院長 (B)中央銀行總裁 (C)行政院副院長 (D)司法院大法官
- 14 依司法院大法官釋字第 530 號解釋，有關司法事務之論述，下列何者錯誤？
(A)司法院係最高司法行政機關
(B)最高司法機關得發布審理案件程序之細節性規則
(C)最高司法機關所發布之規則，沒有法律授權，亦可限制人民之自由
(D)檢察官偵查刑事案件，應本檢察一體原則，與審判獨立不同

- 15 依中華民國憲法增修條文規定，有關彈劾權之行使，下列何者正確？
(A)監察院得對立法委員提出彈劾 (B)監察院得直接對總統提出彈劾
(C)監察院得對法官提出彈劾 (D)監察院得對縣議員提出彈劾
- 16 下列何者不屬於刑法的性質？
(A)成文法 (B)任意法 (C)實體法 (D)國內法
- 17 下列有關自然法則與法規範之敘述，何者錯誤？
(A)自然法則為物理法則 (B)法為規範，非絕對必然
(C)自然法則對自然權利理論產生影響 (D)法規範不包括消極性之禁止規範
- 18 我國刑法於 1999 年的修法，對於絕大部分妨害性自主犯罪的訴訟要件，做了何種修改？
(A)由自訴罪改為公訴罪 (B)由公訴罪改為自訴罪
(C)由告訴乃論改為非告訴乃論 (D)由非告訴乃論改為告訴乃論
- 19 關於固有法及繼受法，下列敘述何者正確？
(A)固有法即是成文法，繼受法指的是習慣法 (B)繼受法主要係指立法的繼受
(C)固有法係指沿襲國外固有之法律制度或習慣 (D)固有法與繼受法為母法與子法之關係
- 20 有關立法院審議法律案程序中「黨團協商」的進行，下列敘述，何者正確？
(A)黨團協商在我國成文法當中並無明文依據
(B)所有的法律案審議都必須經過黨團協商的階段
(C)黨團協商由立法院院長或副院長主持
(D)黨團協商達成結論，經各黨團負責人簽名者，各黨團所屬之立法委員於院會中不得再異議
- 21 確保契約之履行為目的而交付之定金，於契約履行時，該定金應如何處理？
(A)定金應返還當事人不得作為給付之一部
(B)定金應作為給付之一部，不得返還當事人
(C)定金應返還或作為給付之一部
(D)契約因不可歸責於雙方當事人之事由，致履行不能時，定金不得請求返還
- 22 法律因下列何種原因，得暫停其一部或全部之適用？
(A)司法院大法官宣布法律之一部或全部違憲時
(B)因國家遭遇非常事故一時不能適用時
(C)因有關法律之廢止致失其依據而無單獨施行之必要時
(D)規定之主管機關已裁併或變更時
- 23 司法院大法官釋字第 630 號解釋表示，刑法第 329 條準強盜罪規定「竊盜或搶奪，因防護贓物、脫免逮捕或湮滅罪證，而當場施以強暴、脅迫者，以強盜論」，其中「強暴、脅迫」乃是指「達到使人難以抗拒之程度的強暴、脅迫」。此種解釋方法稱之為：
(A)歷史解釋 (B)當然解釋 (C)擴充解釋 (D)限縮解釋
- 24 依據中華民國憲法本文及增修條文之規定，於立法院通過對於行政院院長不信任案後之十日內，下列有關解散立法院之敘述，何者正確？
(A)於戒嚴及戰爭期間，總統不得解散立法院
(B)總統於宣告解散立法院之前，應先諮詢行政院院長之意見
(C)立法院解散後，應於六十日內舉行立法委員選舉
(D)立法院解散後，重新選舉所選出之立法委員，其任期至原任期屆滿時為止
- 25 假設法律規定：「曾經有期徒刑判決確定者，不准辦理營業小客車駕駛人執業登記」，請問此規定可能違反何種憲法對人民基本權利之保障？
(A)工作權、平等原則 (B)工作權、人格權 (C)工作權、遷徙自由 (D)工作權、結社自由
- 26 執行機關運用國家之強制力，使私法上之債務人履行其法律上之義務。法律上稱之為何？
(A)直接強制 (B)間接強制 (C)強制執行 (D)即時強制
- 27 陸海空軍刑法之性質不屬於下列何者？
(A)特別刑法 (B)附屬刑法 (C)輔刑法 (D)普通刑法

- 28 有關消費者保護法中所稱之企業經營者，下列敘述何者正確？
(A)以營利為目的者為限 (B)以法人為限
(C)自然人也有可能成為企業經營者 (D)以繳交營業稅者為限
- 29 依據全民健康保險法，關於保險對象門診費用自行負擔比例之規定，下列那一項敘述有錯誤？
(A)保險對象應自行負擔門診費用百分之二十
(B)保險對象應自行負擔急診費用百分之五十
(C)未經轉診而逕赴地區醫院門診者，應自行負擔百分之三十
(D)未經轉診而逕赴醫學中心門診者，應自行負擔百分之五十
- 30 下列關於性別工作平等法哺乳時間的規定，何者錯誤？
(A)僅適用於子女未滿一歲之受僱者 (B)哺乳時間不算入原有之休息時間
(C)每日應給予兩次哺乳時間，每次以三十分鐘為度 (D)哺乳時間不算入工作時間
- 31 A computer graphics operator should explore _____ layouts before selecting the final design.
(A) alternative (B) diminishing (C) illusive (D) misleading
- 32 It is better to be number two in a fast-growing world than number one in a _____ one.
(A) blooming (B) democratic (C) progressive (D) stagnant
- 33 A sense of peace is what most of us long _____ when we aren't happy.
(A) for (B) to (C) at (D) about
- 34 Though born in an affluent family, she had _____ of those bad habits usually associated with the rich.
(A) any (B) not (C) none (D) some
- 35 When the doctor arrived, the patient's _____ turned almost paper-white, and purplish bruises appeared all over her body.
(A) compression (B) complication (C) complementation (D) complexion
- 36 Children nationwide are _____ now, but we still need to do more to provide them with a promising future.
(A) better off (B) at stake (C) in a lump (D) on alert
- 37 Floodwaters were _____ in most areas, but strong winds continued to lash the coast.
(A) abiding (B) presiding (C) respiring (D) subsiding
- 38 _____ afraid to be spotted by paparazzi, the movie star took a cab from the side door and disappeared into the night.
(A) As if (B) Unless (C) Though (D) Even
- 39 To get as much input on the issue as they can, the managing team will send a letter to _____ in the company.
(A) who may be concerned (B) whoever may be concerned
(C) whom it may concern (D) whomever it may concern
- 40 He spared no trouble to make sure his guests enjoyed themselves.
(A) He made no efforts to entertain his guests. (B) He had a hard time entertaining his guests.
(C) He did whatever he could to entertain his guests. (D) He got into trouble entertaining his guests.
- 41 Amazon has yet to earn a penny profit. Few people can calculate how its business model will lead to long-term growth of the stock.
(A) Amazon has earned a great deal of profit, but not many people know how its business model will bring about continuous rise of the stock price.
(B) Amazon has made some profit, but many people cannot calculate how its long-term stock price will be.
(C) Amazon has earned a little profit, but no one can work out how its business model will help any future development of the company.
(D) Amazon hasn't made any profit, so hardly can anyone analyze how its business model will continue to make its stock price higher.

第 42 題至第 45 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

The Earth's surface has undergone unprecedented warming over the last century, particularly over the last two decades. Astonishingly, every single year since 1992 is in the current list of the 20 warmest years on record. 42 Are humans part of the cause? To answer this question, patterns observed by meteorologists and oceanographers are

compared with patterns developed using sophisticated models of the Earth’s atmosphere and ocean. By matching the observed and modeled patterns, scientists can now positively identify the “human fingerprints” associated with the changes. 43 These can be seen in the ocean, in the atmosphere, and at the surface.

In its 2001 report, the Intergovernmental Panel on Climate Change stated, “There is new and stronger evidence that most of the warming observed over the last 50 years is attributable to human activities.” 44 It acts like a blanket keeping the Earth warm and heating up the surface, ocean, and atmosphere. 45 There is no doubt that climate is influenced by both natural and human factors.

- 42 (A) Obviously, the natural patterns of climate have been altered.
 (B) As a result, current levels of carbon dioxide in the atmosphere are the highest in the last 650,000 years.
 (C) For example, carbon dioxide from fossil fuel burning has been accumulating in the atmosphere.
 (D) The fingerprints that humans have left on the Earth’s climate are turning up in a diverse range of records.
- 43 (A) An increase in global temperatures can in turn cause other changes, including a rising sea level.
 (B) As a result, current levels of carbon dioxide in the atmosphere are the highest in the last 650,000 years.
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 (D) As a result, current levels of carbon dioxide in the atmosphere are the highest in the last 650,000 years.

請依下文回答第 46 題至第 50 題

A Western-style conversation between two people is like a game of tennis. If I introduce a topic, a conversational ball, I expect you to hit it back. If you agree with me, I don’t expect you simply to agree and do nothing more; I expect you to add something—a reason for agreeing, another example, or an elaboration to carry the idea further. But I don’t expect you always to agree. I am just as happy if you question me, or challenge me, or completely disagree with me. Whether you agree or disagree, your response will return the ball to me.

A Japanese-style conversation, however, is not at all like tennis or volleyball. It is like bowling. You wait for your turn. And you always know your place in line. It depends on such things as whether you are older or younger, a close friend or a relative stranger to the previous speaker, in a senior or junior position, and so on.

- 46 The main purpose of the passage is to _____.
 (A) introduce ball games in different cultures (B) compare and contrast different styles of conversation
 (C) explain how to carry successful conversations (D) describe the Western-style ball games
- 47 The Japanese-style conversation is compared to _____ in the passage.
 (A) tennis (B) baseball (C) bowling (D) volleyball
- 48 “..., your response will return the ball to me” means that _____.
 (A) your response will invite me to say more (B) your response will change my idea
 (C) your response will quiet me down (D) your response will hit me hard
- 49 According to the passage, which of the following statements is true?
 (A) In a Western-style conversation, you wait for your turn.
 (B) In a Western-style conversation, you are welcome to ask questions.
 (C) In a Japanese-style conversation, it is unimportant to know your position.
 (D) In a Japanese-style conversation, you have to remain silent.
- 50 _____ is NOT expected in a Western-style conversation.
 (A) Silence (B) Disagreement (C) Attention (D) Agreement