

100 年公務人員特種考試民航人員、外交領事人員及國際新聞人員、國際經濟商務人員、法務部調查局調查人員、國家安全局國家安全情報人員及社會福利工作人員考試試題

考試別：社會福利工作人員

等別：四等考試

類科組：保育人員

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。

- 憲法增修條文內規定教育、科學、文化之經費，尤其下列何者應優先編列？
(A)國民教育經費 (B)補習教育經費 (C)大學教育經費 (D)職業教育經費
- 依我國憲法總綱之規定，下列敘述何者正確？
(A)我國國旗之樣式由立法機關決定 (B)我國主權屬於組成國家之各省所有
(C)我國為民主共和國 (D)我國國民以漢族為主，享有法上特別地位
- 依憲法增修條文之規定，修憲案經公告半年，自由地區選舉人至遲應於幾個月內投票複決？
(A)六個月內 (B)五個月內 (C)四個月內 (D)三個月內
- 憲法第 8 條規定，人民因犯罪嫌疑被逮捕拘禁時，逮捕拘禁機關應將逮捕拘禁原因，以書面告知何人？
(A)本人及其父母 (B)其父母親及岳父母 (C)本人及其指定之親友 (D)其父母及配偶
- 人民有入出國境之權利，係直接受憲法規定之何項基本權利所保障？
(A)人身自由 (B)居住及遷徙自由 (C)工作權 (D)平等權
- 人民訴訟權應予保障，應遵循之訴訟審級制度及方式，應由何機關決定之？
(A)司法院大法官頒布解釋 (B)最高法院頒布訴訟規則
(C)立法院以法律規定之 (D)訴訟當事人以事前、事後之協議決定之
- 如果法律規定，具有某些特殊身分的個人，例如受高等教育者，可投複數票時，則係違反那一項選舉原則？
(A)普通選舉原則 (B)平等選舉原則 (C)直接選舉原則 (D)單一選舉原則
- 公務員違法侵害人民權利時，關於公務員與國家應負之責任，下列敘述何者正確？
(A)公務員依法受懲戒，國家則不負責任
(B)公務員依法受懲戒，並自己負起損害賠償責任
(C)公務員依法受懲戒外，應負刑事及民事責任，但國家不負責任
(D)公務員依法受懲戒，國家應負損害賠償責任
- 依憲法增修條文第 4 條之規定，依政黨名單投票選舉之立法委員，是由獲得多少比例政黨選舉票之政黨依得票比率選出之？
(A)百分之一 (B)百分之二 (C)百分之三 (D)百分之五
- 依憲法增修條文第 3 條之規定，立法院至少得經全體立法委員多少比例連署，對行政院院長提出不信任案？
(A)二分之一 (B)三分之一 (C)三分之二 (D)四分之三
- 依憲法第 60 條之規定，行政院於會計年度結束後至遲幾個月內，應提出決算於監察院？
(A)一個月 (B)二個月 (C)三個月 (D)四個月
- 地方自治團體在其自治事項範圍內，應擁有人事權、財政權與：
(A)司法權 (B)監察權 (C)自治立法權 (D)外交權
- 依憲法增修條文第 2 條之規定，總統、副總統均缺位時，由下列何者代行其職權？
(A)立法院院長 (B)總統府秘書長 (C)國家安全會議秘書長 (D)行政院院長
- 關於法官的減俸規定之敘述，下列何者正確？
(A)符合法律之規定，法官仍得被減俸 (B)法官有不受減俸之絕對保障
(C)未兼任庭長之法官有不受減俸之絕對保障 (D)法官減俸由各級法院決定之
- 依憲法第 134 條之規定，各種選舉，應規定婦女當選名額，其辦法以下列何者定之？
(A)命令 (B)法律 (C)公告 (D)行政規則

- 16 在成文法的國家中，在法律適用時，除援用成文法之外，還可援用補充法源。下列何者不屬於補充法源？
(A) 習慣法 (B) 判例 (C) 行政命令 (D) 法理
- 17 「類推適用」是一種法律的補充，試問不能適用在下列何種法律？
(A) 民法 (B) 刑法 (C) 國際貿易法 (D) 商事法
- 18 下列何種類型之消費爭議解決途徑，不在消費者保護法規範之列？
(A) 申訴 (B) 仲裁 (C) 調解 (D) 訴訟
- 19 依據家庭暴力防治法，關於保護令之敘述，何者正確？
(A) 命相對人遷出被害人住居所或遠離被害人之保護令，若被害人同意相對人不遷出便失其效力
(B) 法院核發暫時保護令或緊急保護令，須經審理程序
(C) 義務人不依保護令交付未成年子女時，權利人得聲請警察機關限期命義務人交付
(D) 保護令除緊急保護令外，應於核發後四十八小時內發送當事人、被害人、警察機關及直轄市、縣（市）主管機關
- 20 下列何者為著作人格權？
(A) 公開口述權 (B) 編輯權 (C) 姓名表示權 (D) 改作權
- 21 下列何種法規範，不屬於中央法規標準法第 3 條所稱的「命令」？
(A) 強制汽車責任保險給付標準 (B) 大學法施行細則
(C) 違章建築處理辦法 (D) 莫拉克颱風災後重建特別條例
- 22 因詐欺或脅迫，而為意思表示者，其法律效果為：
(A) 無效 (B) 效力未定 (C) 得撤銷 (D) 有效
- 23 縣（市）與其他縣（市）合併改制為直轄市，原縣（市）自治法規應由何機關廢止之？
(A) 改制前之原縣（市）政府 (B) 改制後之直轄市政府
(C) 行政院 (D) 立法院
- 24 依據民法規定，下列何者不屬於出租人之義務？
(A) 負擔租賃物之稅捐 (B) 租賃物之修繕義務
(C) 租賃物之交付及保持義務 (D) 對租賃物應負善良管理人之保管義務
- 25 法官審理案件，認為下列何種法規範有牴觸憲法之疑義時，得以裁定停止審判程序，聲請司法院大法官解釋？
(A) 判例 (B) 法律 (C) 最高法院決議 (D) 行政規則
- 26 下列關於中華法系的敘述，何者正確？
(A) 中國傳統上重視法律規範 (B) 中國傳統法制以平等主義為基礎
(C) 中國傳統法制上曾存在獨立的法院 (D) 中國傳統法制以禮教倫常為核心
- 27 下列有關刑法責任能力規定之敘述，何者錯誤？
(A) 滿八十歲人之行為得減輕其刑
(B) 十四歲以上，未滿十八歲人之行為得減輕其刑
(C) 瘡啞人之行為，得減輕其刑
(D) 行為時因精神障礙或其他心智缺陷，致不能辨識其行為違法或欠缺依其辨識而行為之能力者，得減輕其刑
- 28 有關性別工作平等法促進工作平等措施，下列何者正確？
(A) 女性受僱者，每月得請生理假二日
(B) 受僱者於其家庭成員發生嚴重之疾病須親自照顧時，得請家庭照顧假，併入病假計算
(C) 雇主於受僱者之配偶分娩時，應給予受僱者陪產假三日
(D) 受僱者任職滿一年後，於每一子女滿三歲前，得申請育嬰留職停薪，期間不得逾一年
- 29 下列何者非屬刑法規定的阻卻違法事由？
(A) 自首 (B) 依法令之行為 (C) 緊急避難 (D) 正當防衛
- 30 犯最重本刑為 3 年以上 10 年未滿有期徒刑之罪者，其追訴權時效為：
(A) 5 年 (B) 10 年 (C) 20 年 (D) 30 年
- 31 Pamela cannot stand any _____ when she writes, so her family makes sure that she is left alone.
(A) distractions (B) facsimiles (C) destinations (D) priorities
- 32 Although he is poor, _____.
(A) but he is honest (B) and yet he never lies
(C) he works hardly to succeed (D) he stays optimistic all the time

- 33 Peter: It's said that the house is haunted.
Christopher: Haunted? _____ I'll go in and take a look tomorrow.
Peter: Are you sure?
Christopher: Yeah, and I'm going alone.
(A) I'm scared to death. (B) What's done cannot be undone.
(C) I don't buy that. (D) Let's give it a try.
- 34 _____ like eating moon cakes on the Mid-Autumn Festival or setting off firecrackers during the Chinese New Year have been practiced for thousands of years.
(A) Customs (B) Hobbies (C) Methods (D) Policies
- 35 It took a great deal of _____ for the early explorers to set sail on uncharted seas.
(A) timidity (B) courage (C) obedience (D) charity
- 36 The company has _____ over the years into a multi-million dollar enterprise.
(A) evolved (B) elaborated (C) exceeded (D) elicited
- 37 Professor Lee showed a _____ concern for John's failure in this examination because John has been his best student for many years.
(A) genuine (B) suspicious (C) synthetic (D) greedy

請依下文回答第 38 題至第 42 題

Everyone on the Internet is looking for the ultimate get-rich-quick scheme. At least that is what the people selling the ultimate get-rich-quick scheme would like you to believe.

I like to believe that we're smarter than that. We realize that the only way to become successful at anything 38 a lot of hard work, persistence, and luck.

Now let me explain each of these points.

Hard work: This is a no-brainer. You are not going to be able to turn on your computer, walk away from it, and expect to 39 a successful business. You have to work at it. The more 40 work you put into your website and your marketing efforts, the greater the rewards.

Persistence: You have to stick with it. You can't quit. Don't lose faith.

Luck: Yep, it's going to take a little luck as well. But if you follow the above guidelines, you can make your own good luck. Luck is being in the right place at the right time. Luck is making the right decision at that 41 moment. Luck is buying low and selling high. Luck is realizing that you 42 and correcting it right before everything crashes.

- 38 (A) requests (B) remains (C) recommends (D) requires
39 (A) end up with (B) put up with (C) make up with (D) make up of
40 (A) fluent (B) abstract (C) productive (D) equal
41 (A) constant (B) conditional (C) current (D) crucial
42 (A) made a fortune (B) made a scene (C) made a mistake (D) made a figure

43 Janet: So Nancy went into the hospital last night?

Brenda: Yes, her husband is waiting for the news now.

Janet: Is this her first?

Brenda: Yes, so they're both very nervous. Especially Steve.

Janet: When can Nancy come home?

Brenda: If all goes well, they'll both be home in three days. It's exciting, isn't it?

Janet: _____

- (A) Yes. And Nancy should take pain pills after the heart transplant.
(B) Yes. But Nancy should stay longer in the hospital until she has totally recovered from the flu.
(C) Yes, having your first baby is always very special.
(D) Yes, Nancy is always healthy.

- 44 John: It's a beautiful day. Let's go for a walk.
Mary: I'd like to, but I'm _____. I think I'm catching a cold.
John: Are you all right? You should stay home and take some rest.
(A) feeling under the weather (B) up to my ears
(C) coming down with a friend (D) hitting the ceiling
- 45 Mary: I've got to get a new camera.
Bobby: _____
Mary: It just doesn't take very good pictures.
(A) That's a good idea. (B) No problem.
(C) What's wrong with the old one? (D) May I help you?

請依下文回答第 46 題至第 50 題

Females are more subtle in how they approach competitive situations than males, even from a very young age. The difference in technique could explain why men have long been considered the more competitive sex, scientists believe.

Researchers tested the reactions of 87 four-year-olds to assess how they competed against each other. They split the little children into all-male or all-female groups of three and gave each group different numbers of puppets to play with. The researchers found that when there were plenty of toys to go around, both the boys and girls tended to behave in roughly the same way. However, when the groups were given just one puppet between three, distinct differences emerged. The study shows that boys were more likely to ask for the puppet, make a grab for it, or even chase the child who had the toy.

However, girls employed a much more indirect approach to get their hands on the prized possession—the threat of social exclusion. The all-girl groups would shun the child who held the puppet, whisper and talk behind her back, and even hide from her, the findings show.

Joyce Benenson, from Emmanuel College in Boston, who led the study, said that the results could explain why girls are more jealous of their friendships than boys. She believes that the threat of being ignored and excluded by their peers is much more relevant for girls and that they have to take action to protect themselves.

She said that the children's "spontaneous" behavior study helped to prove that the idea that women were naturally less competitive was a myth. Even at an early age, she pointed out, they avoid risky direct aggression in favor of subtler forms of competition, such as small shifts in tone and expression, or spreading rumors.

- 46 What is the main idea of this article?
(A) Girls are competitive in a subtle way. (B) Boys like to compete with girls.
(C) Competition is a natural behavior. (D) Women are naturally less competitive.
- 47 Which of the following statements is true?
(A) The study tested males and females of different ages.
(B) Girls learn to be competitive in their teens.
(C) The study tested three groups in which there were both boys and girls.
(D) Boys and girls tend to behave in the same way when there are enough toys to go around.
- 48 What does the word "subtler" mean?
(A) More surprising. (B) More competitive. (C) More indirect. (D) More emotional.
- 49 According to the passage, which of the following is true about the threat of social exclusion?
(A) It tends to work better on boys than on girls.
(B) It is equally employed by boys and by girls.
(C) It might have something to do with girls' desire for friendship.
(D) It will lead to trauma even at a very young age.
- 50 According to the passage, what are girls least likely to do with another girl who has the toy?
(A) Fight with her. (B) Spread rumors about her.
(C) Exclude her. (D) Shun her.