

101年公務人員特種考試警察人員考試、 101年公務人員特種考試一般警察人員考試及 101年特種考試交通事業鐵路人員考試試題

等 別：三等一般警察人員考試、高員三級鐵路人員考試

類 科：各類別、各類科

科 目：法學知識與英文（中華民國憲法、法學緒論、英文）、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。

- 依憲法增修條文第 4 條規定，中華民國領土，依其固有疆域，全體立法委員依法提出領土變更案，並於依法公告後，再經中華民國自由地區選舉人投票複決，非經有效同意票過選舉人總額之多少比例，不得變更之？
(A)二分之一 (B)三分之一 (C)四分之一 (D)五分之一
- 依憲法增修條文第 9 條規定，省、縣地方制度有了重大改變，下列何者不是改變後的地方制度？
(A)省、縣地方制度，以法律定之 (B)省設省政府
(C)省設省議會 (D)省承行政院之命，監督縣自治事項
- 當縣與鄉（鎮、市）間，自治事項遇有爭議時，由下列何機關會同中央各該主管機關解決？
(A)法務部 (B)立法院 (C)內政部 (D)司法院
- 名譽權旨在維護個人之主體性，為實現人性尊嚴所必要，受下列何規定所保障？
(A)憲法第 11 條言論自由 (B)憲法第 22 條憲法非明文列舉權利
(C)憲法第 8 條人身自由 (D)憲法第 15 條生存權
- 依司法院釋字第 445 號解釋，下列之敘述何者正確？
(A)集會自由屬表現自由之範疇 (B)偶發性集會仍須於事前申請許可
(C)集會主張共產主義或分裂國土者，得不予許可 (D)集會有危害生命或財產之虞者，得不予許可
- 下列何者較可能違反宗教自由之精神？
(A)公立中小學懸掛耶穌受難十字架 (B)民間進行佛教婚禮儀式
(C)個人信仰風水易經 (D)個人主張無神論
- 依司法院釋字第 644 號解釋，下列何項人民團體法之規定違憲？
(A)人民團體得以行政區域為其組織區域，並得分級組織
(B)人民團體之組織與活動，不得主張共產主義，或主張分裂國土
(C)人民團體在同一組織區域內，除法律另有限制外，得組織 2 個以上同級同類之團體，但其名稱不得相同
(D)人民團體會址應設於主管機關所在地區，但報經主管機關核准者，得設於其他地區，並得設分支機構
- 依司法院釋字第 345 號解釋，國家對欠稅之人限制出境之措施，主要係對其何項基本權之限制？
(A)人身自由 (B)遷徙自由 (C)財產權 (D)人格權
- 有關受國民教育的保障，下列敘述何項錯誤？
(A)國民接受國家教育主要是一種義務，不是權利，所以一般稱之為國民義務教育
(B)國家應保障教育內容客觀中立，不可強制國民接受特定思想或理念
(C)先進國家對受教育權利已發展為學習權理念
(D)設置並落實國民義務教育
- 依國家賠償法第 8 條之規定，賠償義務機關對於實際加害人之求償權的消滅時效為：
(A)2 年 (B)5 年 (C)10 年 (D)15 年
- 總統副總統選舉罷免法中有關候選人資格之規定，下列何者錯誤？
(A)候選人須年滿 40 歲
(B)候選人應經由政黨推薦或連署人連署
(C)因歸化取得中華民國國籍者，不得登記為候選人
(D)候選人須為在中華民國自由地區繼續居住 4 個月以上且曾設籍 10 年以上
- 依現行之規定，下列何者之任命，非由總統提名？
(A)審計長 (B)考試委員
(C)國家通訊傳播委員會委員 (D)監察委員

- 13 依憲法增修條文之規定，有關立法院對於總統、副總統之彈劾案程序之敘述，下列何者錯誤？
(A)須經全體立法委員 1/2 以上之提議，全體立法委員 2/3 以上決議
(B)立法院決議通過的總統、副總統之彈劾案，須聲請司法院大法官審理
(C)監察院仍可依憲法第 100 條規定，提出對於總統、副總統的彈劾案，故與立法院形成雙軌制
(D)彈劾的事由不限於內亂與外患罪
- 14 下列對於現行體制下司法院院長之敘述，何者錯誤？
(A)綜理院務及監督所屬機關
(B)司法院人事審議委員會委員
(C)不能參與大法官解釋，以免影響司法獨立
(D)應總統之召，出席院際會議，會商院與院間之爭執
- 15 依現行憲法之規定，審計長設於：
(A)監察院
(B)立法院
(C)司法院
(D)行政院
- 16 多位抵押權人對於強制執行拍定後之參與分配，應該如何決定其分配之數額？
(A)按比例分配
(B)按登記順位
(C)按借款日期之先後順序
(D)按向書記官聲請登記參與分配之次序先後
- 17 甲很稱讚乙的小孩子丙（18 歲）考上理想中的大學，決定贈與丙新臺幣 50 萬元當學雜費，丙無須負擔任何費用，但乙覺得太貴重而不敢接受，試問該贈與契約是否有效？
(A)只要父母親有一人同意就生效，所以乙不同意時，應再視丙的媽媽是否同意而決定契約之效力
(B)無須經法定代理人同意，契約有效
(C)在時效消滅前只要乙同意都有效
(D)新臺幣 50 萬元非日常生活用品，所以未經法定代理人同意前不生效力
- 18 在公開的場合中，甲警察與民眾乙意見不合，甲一氣之下將手上的書與文件丟向乙，但未擲中，試問甲是否犯罪？
(A)甲觸犯公然侮辱罪
(B)甲觸犯誹謗罪
(C)甲觸犯殺人罪
(D)甲無罪
- 19 人民如果對於下級法院的判決不服，則可以在法定期間內向上級法院提起下列那一種行為？
(A)抗議
(B)上訴
(C)舉發
(D)訴願
- 20 甲在百貨公司撿到新臺幣 500 元，到派出所報案時，員警乙認為手續過於麻煩遂告訴甲只有新臺幣 500 元而已，就自己留著用，不需要報案，甲因此起了貪念而據為己有，試問員警乙是否犯罪？
(A)員警乙該當刑法第 153 條之煽惑他人犯罪行為
(B)員警乙該當刑法第 337 條之教唆侵占遺失物罪
(C)員警乙之行為屬公務上之便宜行事，所以不犯罪
(D)員警乙觸犯刑法第 339 條之詐欺罪
- 21 警察甲逮捕現行犯乙，正在做筆錄時，認出乙是高中時代的好朋友而將其釋放，試問甲是否該當犯罪？
(A)甲該當刑法第 163 條「公務員縱放職務上依法逮捕拘禁之人或便利其脫逃者」之行為
(B)甲不該當刑法之犯罪行為
(C)甲該當刑法第 161 條「依法逮捕、拘禁之人脫逃者」之行為
(D)甲該當刑法第 164 條「藏匿犯人或依法逮捕拘禁之脫逃人或使之隱避者」之行為
- 22 甲闖紅燈被警察開罰單，一氣之下撕毀警察交予甲收受之罰單。試問甲之行為是否觸犯刑法規定？
(A)甲該當刑法第 139 條之「損壞、除去或污穢公務員所施之封印或查封之標示，或為違背其效力」之行為
(B)甲未觸犯刑法之規定
(C)甲該當刑法第 141 條「意圖侮辱公務員或公署，而損壞、除去或污穢實貼公眾場所文告」之行為
(D)甲行為該當刑法第 138 條「毀棄、損壞或隱匿公務員職務上掌管或委託第三人掌管之文書、圖畫、物品，或致令不堪用」
- 23 父母於子女出生登記前，應以書面約定子女從父姓或母姓。未約定或約定不成者，該如何解決？
(A)於戶政事務所抽籤決定之
(B)從父姓
(C)從母姓
(D)等子女成年後再決定
- 24 債權人於民國 60 年 5 月 1 日借款給債務人時未約定清償期，故債權人於民國 70 年 3 月 2 日以存證信函限債務人於 10 日內清償，但債務人仍未清償，時至民國 101 年 6 月 3 日債權人又向債務人起訴清償此筆借款，債務人主張不予清償，法律上的依據為何？
(A)送達期間
(B)除斥期間
(C)取得時效
(D)消滅時效

- 25 現行民法上有關人之權利能力的規定，下列中何者的敘述是錯誤的？
(A)始於出生 (B)法人亦得享有
(C)無論是否死產，胎兒之權利能力皆受保護 (D)終於死亡
- 26 民法第 66 條規定：「稱不動產者，謂土地及其定著物」。此一關於不動產之解釋為下列那一種解釋？
(A)立法解釋 (B)司法解釋 (C)行政解釋 (D)體系解釋
- 27 為使人民產生法秩序信念，以及對其舉止之合法性預測，新制定之法規不得對已完結之事實發生規範效力，此原則稱之為？
(A)禁止雙重處罰原則 (B)禁反言原則 (C)禁止溯及既往原則 (D)比例原則
- 28 試問「立法院各委員會辦事通則」根據中央法規標準法第 2 條規定，是屬於下列何者性質？
(A)法律 (B)命令 (C)授權命令 (D)緊急命令
- 29 涉外刑事案件得否適用我國刑法，可依據我國刑法第 4 條規定：「犯罪之行為或結果，有一在中華民國領域內者，為在中華民國領域內犯罪。」判斷。試問本條文是採行何種原則？
(A)屬地主義 (B)屬人主義 (C)保護主義 (D)世界主義
- 30 法律如抵觸憲法，現行憲法規定由下列那一個機關宣告該法律為違憲？
(A)立法院 (B)司法院 (C)法務部 (D)總統
- 31 Shu-yu is highly _____ to succeed in her career, so she works fourteen hours every day.
(A) mortified (B) motivated (C) monitored (D) modified
- 32 Traditional Chinese medicine plays an important role in treating cancer and managing pain, where the effectiveness of Western _____ is limited.
(A) benefits (B) commodities (C) disciplines (D) remedies
- 33 The galaxy to which our solar system belongs is so _____ that it takes between 60,000 to 100,000 years at light speed to cross it.
(A) abundant (B) enormous (C) imaginable (D) various
- 34 In 1995, Beth plucked up the courage and went to the United States to further _____ her singing skill. A year later, she participated in a Canadian contest for vocalists.
(A) hint (B) hone (C) hijack (D) hibernate
- 35 After its engine failed, the small boat _____ with the current.
(A) drifted (B) washed (C) launched (D) waved
- 36 The environmentalist movement, a reaction against industrial pollution of air and water, grew up in the 1960s.
(A) Industrialization received negative response but still grew up in the 1960s.
(B) Environmentalists finally won the fight against industry in the 1960s.
(C) The environmental movement triggered the industrial revolution in the 1960s.
(D) Aware of the damage brought by industrialization, people began to protect the environment in the 1960s.
- 37 One similar attribute of all science fictions is that the main character is usually taken on a fantastic journey.
(A) Most science fictions involve the main character in an exciting and imaginary journey.
(B) Most science fictions involve the main character in a fun and enjoyable journey.
(C) If the main character is not on a journey, the story cannot be classified as science fiction.
(D) Science fictions attribute their success to the fantastic journey the main character takes.
- 38 While they are not immune to the hot and cold winds of politics, artists have become adept at taking shelter from them most of the time.
(A) Though they can hardly turn a deaf ear to politics, artists have become better at working for politicians.
(B) Though they can hardly remain politically impassive, artists have learned better to take a political stance.
(C) Though they may suffer from the drastic change of politics, artists have been able to adapt such change into their creations.
(D) Though they may suffer from the drastic change of politics, artists have become skillful in surviving such change.
- 39 Experience is not what happens to you; it is what you do with what happens to you.
(A) An experience is not a good one if you simply let it happen and do nothing about it.
(B) It is not what happens to you but the lesson you learn from it that is called experience.
(C) What happens to you is part of your experience; it is complete with a follow-up action.
(D) Experience is more than what happens to you; you need to take some action afterwards.

- 40 Capitalism has improved the lives of billions of people, but it has left out billions more.
 (A) The prevalent adoption of capitalism has resulted in prosperity to millions of people.
 (B) Free enterprise is welcome among the rich but not the poor because of its inequitable nature.
 (C) The promotion of private enterprise has not only made poor people's lives easier but also made the rich more well off.
 (D) A substantial amount of people have gained benefits from capitalism and lived a better life; nevertheless, more have not.
- 41 This cutting-edge equipment is state-of-the-art.
 (A) These powered knives and saws are very good for arts and crafts.
 (B) This cutlery is designed only for use in art.
 (C) This modern, hi-tech tool is designed especially for art.
 (D) This equipment is the newest and most advanced of its kind.

請回答第 42 題至第 45 題：

One of the most important features that distinguish man from animals is the ability to laugh. People who have investigated the phenomenon have offered many theories to explain human laughter. Scholars in the field of psychology, for example, have done 42 on the subject of what makes people laugh. But, as usually happens, the experts disagree, and there is much 43 in the field. Some people claim that human beings laugh at things which are strange to their experience. Others feel that people laugh at what they secretly believe to be their own weaknesses. It is 44 that all people do not laugh at the same things. Sometimes people laugh at what they see; sometimes they laugh at what they hear. Humor often 45 on a knowledge of certain words or even on an understanding of a particular cultural background. There are, of course, many different sources of humor, but the important fact is that all people share the great pleasure of laughter.

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|----|--------------|-----------------|----------------|---------------|
| 42 | (A) efforts | (B) explanation | (C) issues | (D) research |
| 43 | (A) applause | (B) controversy | (C) failure | (D) objection |
| 44 | (A) clear | (B) dubious | (C) impossible | (D) relevant |
| 45 | (A) depends | (B) keeps | (C) looks | (D) stays |

請回答第 46 題至第 50 題：

It is easy to understand why the Greeks found geocentric cosmology so appealing. Night after night, we see celestial objects moving across the sky from east to west. Wouldn't it be natural to assume that the Earth lies motionless at the center of the universe and that the Sun, the moon, planets, and stars revolve around it? In the 4th century B.C., Plato postulated a world system with the stationary Earth as its hub and a huge outer space that carried the planets and stars in its daily revolution. But his two-sphere configuration could not account for a particular motion of certain planets. As a rule, the planets and stars traveled together across the sky every night from east to west. But now and then, inexplicably, some planets seemed to drift backwards. Today we know that retrograde motion is an illusion caused by the fact that we observe planetary motion from a planet that is itself in motion. It never entered the mind of Eudoxus, a young contemporary of Plato's, that the Earth could actually move. But he did try to accommodate planetary retrogression to the motionless earth by developing from the two-sphere Platonic system a model with twenty-seven spheres, one for every known planet; each was attached to another sphere whose rotation, combined with the rotation of the other planetary spheres, explained the "reversed" direction of certain heavenly bodies.

- 46 According to Greek cosmology, which of the following did NOT move?
 (A) The Earth (B) The Moon (C) Mars (D) The Sun
- 47 According to the passage, what did Plato's world system look like?
 (A) A river (B) A spoon (C) A tent (D) A wheel
- 48 Which movement of some planets can NOT be explained in Plato's system?
 (A) Backward (B) Forward (C) Upward (D) Downward
- 49 Why do all planets seem NOT to move in the same direction?
 (A) The Sun does not move. (B) All planets move sideways.
 (C) The Earth is in motion. (D) All planets move backwards.
- 50 Which of the following statements is true about Eudoxus?
 (A) He was born two centuries after Plato.
 (B) He believed that the Earth was stationary.
 (C) He proposed that the planetary retrogression was an illusion.
 (D) His cosmological structure was smaller in scale than Plato's.