

102年公務人員特種考試警察人員考試、 102年公務人員特種考試一般警察人員考試及 102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。

- 依國家賠償法之規定，下列關於國家賠償方法之敘述，何者正確？
(A)只有金錢賠償 (B)只有回復原狀
(C)金錢賠償為原則，回復原狀為例外 (D)回復原狀為原則，金錢賠償為例外
- 總統為下列那一行為無須行政院院長副署？
(A)發布解散立法院之命令 (B)公布法律 (C)任命大使 (D)行使大赦權
- 下列何種公職人員之候選人須有連署人連署？
(A)立法委員候選人 (B)縣長候選人
(C)總統、副總統候選人無政黨推薦者 (D)直轄市市長候選人
- 國家賠償請求權之消滅時效，依國家賠償法第 8 條之規定，自損害發生時起算者，為：
(A)2 年 (B)5 年 (C)10 年 (D)15 年
- 人民團體法規定，人民團體之組織與活動不得主張共產主義或分裂國土，違反者不予許可設立，涉及下列何種基本權利之限制？
(A)結社自由與集會自由 (B)言論自由與集會自由 (C)結社自由與言論自由 (D)言論自由與思想自由
- 依憲法第 8 條第 2 項規定，人民因犯罪嫌疑被逮捕拘禁時，本人或他人得向何機關聲請提審？
(A)警察局 (B)該管法院 (C)檢察署 (D)調查局
- 依司法院大法官解釋，下列何者不屬於憲法第 13 條宗教自由之保障範圍？
(A)人民有信仰與不信仰任何宗教之自由 (B)人民有參與或不參與宗教活動之自由
(C)國家不得對特定信仰給予優待或不利益 (D)國家機關依法得限制宗教團體之財產管理處分權
- 下列何者不是憲法第 8 條規範之內涵？
(A)人身自由 (B)正當法律程序 (C)公務員懲處制度 (D)提審制度
- 有關居住遷徙自由之敘述，下列何者正確？
(A)人民有居住及遷徙之自由，旨在保障人民有自由設定住居所、遷徙、旅行，並不包括出境或入境之權利
(B)限制欠稅人或欠稅營利事業負責人出境，牴觸憲法保障人民居住遷徙自由
(C)警察人員執行公共場所之臨檢勤務，其中處所為私人居住之空間者，應受住宅相同之保障
(D)國家對於居住、遷徙之自由應予最大之維護，不應予以任何限制
- 下列關於人身自由之敘述，何者正確？
(A)以法律規定警察得逕行對於違反社會秩序之人予以拘留，不違反對於人身自由之憲法保障
(B)以法律規定警察得逕行對於違反社會秩序之人送交相當處所施以矯正，不違反對於人身自由之憲法保障
(C)以法律規定檢察官得簽發押票以羈押犯罪嫌疑人，不違反對於人身自由之憲法保障
(D)以法律規定行政機關得對於與法定傳染病人接觸者，施以強制隔離措施，不違反對於人身自由之憲法保障
- 有關司法院大法官解釋之效力，依現行實務見解下列何者錯誤？
(A)司法院大法官解釋有拘束全國各機關及人民之效力
(B)司法院大法官所作成統一解釋，除解釋文內另有明定者外，應自公布當日起發生效力
(C)司法院大法官作成 2 年內失效之解釋，在 2 年期間內，人民仍得依法聲請再審或非常上訴而獲得實際有效之救濟
(D)司法院大法官依人民聲請所為之解釋，對聲請人以同一法令牴觸憲法疑義而已聲請解釋之各案件，均可適用
- 依司法院大法官解釋之見解，下列何種情形符合平等原則？
(A)女性勞工因與同事結婚而遭公司解僱
(B)非視覺障礙者不得從事按摩業
(C)農業使用之農業用地，移轉予自耕農繼續耕作者，免徵土地增值稅
(D)夫妻之非薪資所得強制合併計算綜合所得稅

- 13 依地方制度法第 81 條規定，縣（市）議員辭職、去職或死亡，原則上應依法補選之。但其所遺任期不足多久，且缺額未達總名額多少比例時，不再補選？
(A)所遺任期不足一年；且缺額未達總名額三分之一 (B)所遺任期不足二年；且缺額未達總名額二分之一
(C)所遺任期不足三年；且缺額未達總名額二分之一 (D)所遺任期不足二年；且缺額未達總名額三分之一
- 14 下列何者不是地方民意代表之職權？
(A)質詢權 (B)自治法規議決權 (C)預算議決權 (D)警察人事任命權
- 15 下列何者不屬於民主國原則之要素？
(A)多數決原則 (B)民意代表定期改選 (C)執政之存續保障 (D)政治言論自由之保障
- 16 下列關於法律的淵源之敘述，何者正確？
(A)法律的淵源分為屬人法源和屬地法源兩種
(B)法律可分為成文法與不成文法
(C)地方法規僅能由地方自治團體本於自治行政權而制定
(D)依我國憲法規定，條約應制定成法律，始生效力
- 17 我國憲法修正體例採不更動本文，將增修條文附於憲法本文之後，係參考自那一國家的立法例？
(A)美國憲法 (B)德國基本法 (C)日本二次戰後憲法 (D)英國憲法
- 18 下列關於立法程序的敘述，何者正確？
①法律案經立法院三讀通過後，還須經行政院院長副署，總統公布，始成為法律
②法案一讀會於朗讀標題後，原則上應交付委員會審查，但亦得經表決逕付二讀
③法案二讀會在朗讀議案後，即依次針對法案進行廣泛討論以及逐條討論
④法案三讀會僅得作文字修正，若發現議案內容互相抵觸或與其他法律抵觸，僅能循復議制度處理
(A)①③④ (B)①②④ (C)②③④ (D)①②③
- 19 勞動基準法有關定期契約之規定，下列敘述何者錯誤？
(A)有繼續性之工作，不得訂定定期契約
(B)臨時性與短期性之工作，得訂定定期契約
(C)定期契約屆滿，勞工繼續工作而雇主不即表示反對意思之特定性工作，該定期契約即視為不定期契約
(D)定期契約屆滿後未滿三個月而訂定新約者，勞工前後工作年資應合併計算
- 20 下列何者，非地方自治團體？
(A)直轄市 (B)縣（市） (C)鄉（鎮、市） (D)區（村、里）
- 21 我國目前除一般刑事訴訟程序外，還有軍事審判法之建制，對此制度下列何者正確？
(A)憲法未設明文規定，但得以法律定之 (B)憲法未設明文規定，故其建制違憲
(C)憲法未設明文規定，但得由總統制定實施 (D)憲法有明文規定，故其建制合憲
- 22 企業經營者對消費者保證商品或服務品質時，應出具書面保證書。關於書面保證書的敘述，何者錯誤？
(A)企業經營者對消費者保證商品或服務之品質時，應主動出具書面保證書
(B)商品有製造批號者，應於保證書中載明製造批號
(C)若企業經營者未依法出具書面保證書者，不須就其保證之品質負責
(D)若由經銷商售出時，應記載經銷商之名稱、地址
- 23 甲受雇於乙，並於職務上完成「中東遊記」一書，下列關於該書著作權歸屬之敘述，何者正確？
(A)受雇關係中完成之著作，其著作權均歸屬於雇用人乙
(B)受雇關係中完成之著作，得以契約約定著作權之歸屬，惟若甲乙無約定時，由雇用人乙取得該書著作權
(C)甲乙約定由乙為著作人時，因著作人格權具有專屬性，所以仍歸屬於創作人甲
(D)若甲為著作人時，除另有約定外，由雇用人乙取得著作財產權
- 24 關於不能未遂之法律效果，我國現行刑法之規定為何？
(A)得減 (B)必減 (C)必減免 (D)不罰
- 25 甲是乙的舅舅的女兒的兒子，請問甲乙之間是什麼親系親等？
(A)旁系血親四親等 (B)旁系血親五親等 (C)旁系姻親四親等 (D)旁系姻親六親等
- 26 何者非屬對於財產權之限制？
(A)因美國牛肉風波，致使牛排店營業額下滑 (B)採取土石者必須繳納環境維護費
(C)禁止人民取得海岸一定限度之土地 (D)為保障機場安全，拆除一定範圍內之鴿舍
- 27 下列何者屬於物權行為？
(A)甲至鼎泰豐用餐向服務生點菜 (B)乙與其房東簽訂房屋租賃契約
(C)丙免費搭乘友人之便車到高鐵站 (D)丁將不用之衣服投入愛心衣物箱

- 28 財政部作成函釋，認定綜合所得稅納稅義務人之未成年子女就讀於未經教育部認可大陸學校，不得列報所得稅法規定之扶養親屬免稅額，司法院釋字第 692 號解釋宣告該函釋違憲而不再適用，其理由為何？
(A)增加法律所無限制，影響人民對於法律之信賴，違反信賴保護原則
(B)增加納稅義務人所得稅法所未規定之租稅義務，違反法律保留原則
(C)限制納稅義務人享有之權利，無法達到課稅之目的，違反比例原則
(D)函釋僅適用於就讀未經教育部認可大陸學校之情形，違反平等原則
- 29 任職於臺北市某百貨公司化妝品專櫃、懷孕已三個月之甲，遭公司以「不能勝任工作」為理由解僱。依性別工作平等法之規定，若甲不滿公司之解僱欲提出申訴，應向何者為之？
(A)工會 (B)內政部 (C)臺北市政府 (D)行政院
- 30 下列關於幫助犯之敘述，何者錯誤？
(A)事後之幫助，並不成立幫助犯 (B)幫助行為須對於正犯之犯罪，具有影響力
(C)對於預備犯之幫助亦可成立幫助犯 (D)片面之幫助亦可成立幫助犯
- 31 To _____ foreign cultures into language curriculum, teachers would introduce particular activities of festivals or celebrations to their students.
(A)concede (B)devote (C)infuse (D)transplant
- 32 The authorities concerned investigate banks and brokers _____ of discriminating against minority applicants who need loans to buy houses.
(A)comprised (B)deprived (C)reminded (D)suspected
- 33 Starting January 1, 2012, one of the _____ Taipei City Government uses to encourage childbirth is to offer families a one-time payment of NT\$20,000 per child.
(A)formulas (B)guidelines (C)measures (D)provisions
- 34 Screening does not reduce cancer-related mortality. In fact, it may increase mortality by increasing the number of _____ medical procedures carried out.
(A)interventional (B)invasive (C)panicked (D)panoramic
- 35 The ambassador's offensive remarks have _____ widespread criticism and storms of protests in the country.
(A)corrupted (B)deflated (C)languished (D)provoked
- 36 The presidential candidate avoided talking much about _____ issues related to national health insurance and tax increase.
(A)concomitant (B)hedonistic (C)provocative (D)subliminal
- 37 Tourism is a dynamic and competitive industry that requires the ability to constantly _____ to customers' changing needs and desires.
(A)adapt (B)addict (C)apply (D)attach
- 38 Melissa is very into politics. In fact, she has had _____ to become the first female prime minister of the country since she was a little girl.
(A)alienation (B)annihilation (C)aspirations (D)assumptions

請回答第 39 題至第 42 題：

Evaluating job applicants on the basis of embedded life interests is a useful macro approach to matching job candidates with jobs they excel at. People with a life interest in the application of technology 39 how things work and are curious about finding better ways to use technology to solve business problems. People with 40 analysis background excel at running the numbers and see it as the best way to figure out business solutions. Theory and concept people enjoy thinking and talking about abstract ideas. People with a life interest in creative production are imaginative thinkers, comfortable and engaged during brainstorming sessions. Many of them have an interest in the arts and 41 creative industries such as entertainment. Individuals with a life interest in coaching and mentoring like to teach. Many like feeling useful to others; some genuinely take satisfaction from the success of those they counsel. Individuals with a life interest in enterprise control like to be in charge. They are happiest when they have authority over their little piece of universe in decision-making. They ask for as much responsibility as possible in any work situation. Because many people have more than one interest, these classifications of life interests may 42 in an individual. So do not try to pigeonhole individuals too narrowly.

- 39 (A)are afflicted with (B)are intrigued by (C)are fed up with (D)are ignorant of
40 (A)subjective (B)superlative (C)qualitative (D)quantitative
41 (A)gravitate toward (B)refrain from (C)discriminate against (D)conflict with
42 (A)disintegrate (B)overlap (C)submerge (D)vanish

- 43 The US is not a homogeneous country, and each state has a different appetite for different things, which poses a challenge for other countries that wish to target the US market.
- (A) The US is particularly challenging for foreign businesses that are unaware of the homogeneous taste of the US market.
(B) Countries that prefer regional differences will have greater success in the US market because it is not a homogeneous country.
(C) The US market shows that foreign businesses that are not familiar with regional preferences can be successful in a homogeneous country.
(D) Other countries that are not familiar with US regional preferences find it challenging to target the US market due to its non-homogeneous nature.
- 44 Jonny is _____ for being lazy and late to work. He always postpones his work, slowing down the team's work.
- (A) formidable (B) notorious (C) remarkable (D) ambitious
- 45 The paper presents the hypothesis that human emotion originates biochemically without scanting the likelihood that cultural influences are almost equally important.
- (A) In the paper, it is contended that human emotion is created by biochemical processes of the human body rather than by cultural factors.
(B) The paper asserts that human emotion is the result of biochemical processes which are in turn shaped by cultural influences.
(C) The paper hypothesizes that there is a biochemical foundation for human emotion, while admitting that cultural influences cannot be neglected.
(D) It is hypothesized in the paper that human emotion has a biochemical origin and is exempted from cultural influences.

請回答第 46 題至第 50 題：

The Saisiyat people—one of Taiwan's officially recognized aboriginal groups—have a unique ritual ceremony called Pas-ta'al. That ceremony is said to have been carried out for as many as 400 years. Today, it takes place every two years. And every ten years, it is larger and takes on added significance. The most recent ten-year ceremony was held in 2006 at two complementary and overlapping sites in northern Taiwan during the full moon of the 10th lunar month.

Thousands gathered for the first day of the ceremony in Wufeng, Hsinchu County. Tourists from all over the island joined the local villagers in the elaborate ceremony in an open field. Men and women were dancing and singing, arms crossed, hand-in-hand, and moving in and out of a huge circle. Native Saisiyat people all wore bright red and white traditional costumes with intricate weaving and beading. Some had ornate decorations at the back, from which hung mirrors, beads, and bells that rang and clanged as the dancers moved. Tourists were welcome but were asked to stay away from particular areas where secret rituals were performed by village elders. They were also advised to tie Japanese silver grass around their arms, cameras, and recorders.

- 46 What is Pas-ta'al?
- (A) It is an annual ritual ceremony of the Saisiyat people.
(B) It is a Saisiyat wedding ceremony in which people sing and dance.
(C) It is a Saisiyat ceremony in which Japanese silver grass is used as sacrifice.
(D) It is a Saisiyat ceremony that has a history as long as four hundred years.
- 47 When or where is Pas-ta'al normally held?
- (A) It is held in October every two years.
(B) It takes place in two major sites in northern Taiwan.
(C) It is held only when the Japanese silver grass is fully grown.
(D) It takes place only at Wufeng, Hsinchu County.
- 48 Which of the following statements is NOT true about the ceremony?
- (A) Tourists are welcome, and they can join the elders in secret rituals.
(B) Local villagers wear traditional red and white costumes.
(C) Tourists and villagers dance in a big circle in an open field.
(D) Tourists are advised to tie Japanese silver grass around their arms and cameras.
- 49 According to the passage, which of the following statements is true?
- (A) Pas-ta'al is a common ceremony among the officially-recognized aboriginal peoples in Taiwan.
(B) Pas-ta'al is a ceremony unique to the Saisiyat people.
(C) Japanese tourists are invited to the big ceremony every ten years.
(D) Pas-ta'al takes place in mid-October every year.
- 50 Which of the following statements can be inferred from the passage?
- (A) Each of the officially-recognized aboriginal peoples has its own unique tribal ceremony.
(B) Japanese silver grass is worn by tourists to indicate their non-native identity.
(C) The Saisiyat people use beads, bells, and mirrors as decorations in their daily clothing.
(D) Pas-ta'al is only partially open to the public.