

等 別：四等考試

類 科：各類科

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 依憲法增修條文規定，國家安全會議由誰所設置？
(A)總統 (B)行政院院長 (C)立法院 (D)司法院
- 2 總統、副總統之罷免案，依憲法增修條文第 2 條第 9 項之規定，須經何種程序，始能通過？
(A)最高法院審理 (B)司法院大法官審理
(C)中華民國自由地區選舉人投票 (D)公務員懲戒委員會審理
- 3 依憲法增修條文規定，立法院遭解散重選後，應於選舉結果確認後幾日內自行集會，以開始計算其任期？
(A)十日 (B)二十日 (C)三十日 (D)六十日
- 4 下列何者不得向司法院大法官聲請解釋憲法？
(A)人民 (B)法人 (C)政黨 (D)監察委員
- 5 下列何者不是憲法增修條文中有關國家對於原住民族之特別保護規定？
(A)保障其政治參與 (B)保障其語言及文化 (C)保障其充分就業 (D)保障其衛生醫療
- 6 依司法院大法官釋字第 533 號解釋，中央健康保險局與各醫事服務機構，締結全民健康保險特約醫事服務機構合約，其爭議之解決途徑為何？
(A)民事爭訟 (B)行政爭訟 (C)刑事爭訟 (D)自行協商
- 7 依憲法增修條文規定，自由地區的人民與下列那個地區人民之權利義務關係，得以法律為特別之規定？
(A)大陸 (B)金門、馬祖 (C)離島 (D)海外
- 8 下列何者並非憲法明文規定人民之基本義務？
(A)服兵役 (B)受國民教育 (C)忠誠義務 (D)納稅
- 9 下列有關暫時處分權之敘述，何者正確？
(A)法律明文規定大法官擁有暫時處分權
(B)司法院大法官解釋憲法之權限並不包含暫時處分權
(C)司法機關暫時處分權之擁有以法律有明文規定者為限
(D)保全制度包含暫時處分權，且是司法權核心機能之一
- 10 憲法增修條文第 9 條規定，省、縣地方制度如何訂定？
(A)由立法院以法律定之 (B)由省縣召開會議定之
(C)由總統召集各院院長會商解決之 (D)由省縣民公民投票定之
- 11 有關司法院大法官所作解釋之效力，下列敘述何者正確？
(A)司法院大法官之解釋具有溯及之效力
(B)司法院大法官之解釋只拘束據以聲請的案件
(C)司法院大法官之解釋只對據以聲請的案件具有溯及之效力
(D)當據以聲請案件的裁判與司法院大法官的解釋不符時，聲請人並無法在解釋作出後對之提起再審或非常上訴
- 12 依憲法本文及增修條文規定，下列何人之任命須經過立法院之同意？
(A)考試院銓敘部部長 (B)中央銀行總裁 (C)行政院院長 (D)監察院審計長
- 13 經濟及科學技術發展、環境及生態保育，依憲法增修條文規定，二者之關係為：
(A)經濟及科學技術發展優先 (B)環境及生態保育優先
(C)二者兼籌並顧 (D)視國家需要而定

- 14 監察院通過糾正案後，應將該案移送何機關促其注意改善？
(A)行政院及其有關部會 (B)立法院 (C)公務員懲戒委員會 (D)法院
- 15 依憲法第 72 條規定，法律案通過後，由立法院移送總統及行政院，除依覆議程序辦理外，總統至遲應於收到後幾日內公布？
(A)五日 (B)十日 (C)十五日 (D)二十日
- 16 依司法院大法官解釋，下列何者屬於憲法保留？
(A)有關工作權限制之事項 (B)有關人民課稅義務之事項
(C)有關人民入出境限制之事項 (D)有關人身自由限制之事項
- 17 凡屬應以法律規定之事項，行政機關不得逕以行政命令代為規範，此稱為什麼原則？
(A)法律優先原則 (B)法律保留原則
(C)特別法優於普通法原則 (D)後法優於前法原則
- 18 關於法律與道德的關係，下列敘述何者為正確？
(A)法律與道德所規範的對象與內容完全相同
(B)法律與道德所規範的對象與內容完全不相同
(C)法律規定中有些與道德有密切關係，但也有些法律規定與道德較無關係
(D)法律僅是技術性規範與道德毫無關係
- 19 依據立法院職權行使法的規定，下列關於「立法院各委員會審查行政機關送達之行政命令」的敘述，何者正確？
(A)各委員會應於院會交付審查後一個月內完成審查
(B)各委員會若未於法定期限內完成審查者，視為已經審查
(C)各委員會遇有特殊情形，得經院會同意後展延審查期限，但以展延二次為限
(D)行政命令經委員會審查，認為無牴觸法律者，報請院會公告後行政命令正式生效
- 20 下列何一事項不適用行政程序法有關行政程序之規定？
(A)外國人出、入境、難民認定及國籍變更之行爲 (B)對於電視台予以吊銷執照之決定
(C)對於學生決定予以退學之決定 (D)對公務員免職之決定
- 21 股份有限公司要進行如合併、分割等重大決策時，應經下列何種公司內部機關的同意？
(A)董事長 (B)董事會及股東會 (C)監察人 (D)經理人
- 22 大法官統一解釋法律及命令，須符合下列何種表決程序？
(A)應有大法官現有總額四分之三之出席，及出席人三分之二同意
(B)應有大法官現有總額三分之二之出席，及出席人三分之二同意
(C)應有大法官現有總額三分之二之出席，及出席人過半數之同意
(D)應有大法官現有總額過半數之出席，及出席人過半數之同意
- 23 下列何者不屬於命令？
(A)綱要 (B)通則 (C)準則 (D)規程
- 24 甲捏造事實，宣稱其能量水有治療肝病的療效，乙深信後與甲成立買賣契約。則買賣契約的效力如何？
(A)無效 (B)不成立 (C)效力未定 (D)得撤銷
- 25 就特定事項，法律規定應援用其他法律或其他條文之規定者，稱為：
(A)擬制 (B)準用 (C)推定 (D)解釋
- 26 下列何者屬於無體財產權？
(A)著作權 (B)所有權 (C)抵押權 (D)身分權
- 27 立法院於民國 87 年 5 月 28 日通過刪除民法第 986 條禁止通姦相姦者結婚之規定，總統於同年 6 月 17 日公布。請問該條文自何時起失其效力？
(A)民國 87 年 5 月 28 日 (B)民國 87 年 6 月 17 日 (C)民國 87 年 6 月 19 日 (D)民國 87 年 6 月 20 日

- 28 有關行政裁量之敘述，下列何者正確？
(A)若違規情節過重，得處以法定罰鍰最高額之二倍
(B)行政機關行使裁量權應符合法規授權之目的
(C)行政機關行使裁量權得不考量比例原則
(D)行政機關基於裁量權所為之決定是否合法，不受司法審查
- 29 下列何者非檢察官所做之處分？
(A)起訴 (B)不起訴 (C)緩起訴 (D)保安處分
- 30 依我國著作權法之規定，破解或規避著作權人所採取之防盜拷措施，下列敘述何者正確？
(A)破解或規避防盜拷措施，沒有法律責任
(B)為進行還原工程而規避防盜拷措施沒有法律責任
(C)為電腦或網路進行安全性測試而破解防盜拷措施有法律責任
(D)為保護個人資料破解防盜拷措施有法律責任
- 31 As the deadline was approaching, he worked hard on the project _____.
(A) around the clock (B) from the cradle to the grave
(C) on and off (D) every now and then
- 32 My cell phone doesn't work. I forgot to _____ the battery.
(A) receive (B) return (C) release (D) recharge
- 33 I can't wait to _____ my old car because it has been causing me a lot of trouble.
(A) put off (B) get rid of (C) count on (D) drop out of
- 34 John proposed to May, but she kept him in _____ for several days before she said that she would marry him.
(A) abundance (B) compassion (C) irritation (D) suspense
- 35 The key to a successful school environment does not lie in having a smaller class size, but in creating a pleasant _____ of the school.
(A) atmosphere (B) attention (C) objection (D) obstacle
- 36 A dog with _____ will often scratch itself so vigorously that the bites on its skin become worse.
(A) ashes (B) cubs (C) moths (D) fleas
- 37 Learning that the war had taken away his beloved wife and three children, we all felt _____ for him.
(A) innocent (B) offensive (C) sympathetic (D) tense
- 38 We need your _____ here on the last page, and then we can open the account for you.
(A) money (B) author (C) discovery (D) signature
- 39 Billionaire _____ Mr. Chen is, he still works long hours every day.
(A) like (B) as (C) such (D) so
- 40 If it _____ last Saturday, my students would have gone to the concert.
(A) didn't rain (B) wasn't raining (C) shouldn't rain (D) hadn't rained

編號第 41 題至第 44 題為題組

Try to accept that your teenager has to “belong” to the group of friends and that being forced to be different can cause great distress. You may think that a certain hairstyle or sensible shoes are ideal, but you probably don't want your child to be made fun of as a result. As far as possible, let your teenager make his/her own choices about these things, even if they're not your 41.

Permanent changes 42 tattoos or piercings are different, though, as they can't simply be removed when fashions move on. Explain to your teenager that these require much more careful thought than 43 your hair orange or even shaving your head. If you're completely 44 it, you do have a parent's right to insist that your teenager shouldn't have it done. Teenagers still need some boundaries.

- 41 (A) children (B) purposes (C) stress (D) taste
42 (A) in addition to (B) so as to (C) as much as (D) such as
43 (A) dye (B) dyeing (C) to dye (D) to have dyed
44 (A) satisfied with (B) enthusiastic about (C) ignorant about (D) opposed to

45 Waiter: Excuse me, may I take your order now?

Customer: _____

Waiter: No problem. You can take your time, and I will come back in a few minutes.

- (A) Oh, no, sorry, not yet. We haven't decided what to eat. (B) How delicious it looks! I can't wait to eat it!
(C) Yes, I'd like to say you are a polite waiter. (D) Could you bring us the bill?
- 46 A: I can't make it this Friday. I have a doctor's appointment.
B: Is something wrong?
A: _____ It's just a regular check-up.
(A) I believe so. (B) I doubt it. (C) I hope not. (D) I think so.

編號第 47 題至第 50 題為題組

What happens to you when you take a drink? Alcohol, unlike other things you eat or drink, passes quickly into your bloodstream. Once there is one drop of alcohol to every 1,500 drops of your blood, you're drunk. Continued drinking after that can soon make you pass out. In other words, it takes only a few drinks to get drunk.

Many people think alcohol peps you up. That's not true. Alcohol really slows you down. The more you drink, the more you slow down.

But alcohol often does make you act jovial and happy. That's because alcohol loosens your self-control. Sometimes you do things you would never do when sober. You take chances. That can be dangerous, especially when you're driving.

Alcohol can be bad for your health. That's because it makes you delay eating, or forget to eat all together. The more you drink, the less likely you are to eat the food your body really needs. Thus, many people who die from drinking really starve to death!

- 47 This passage is mainly about _____.
(A) various ways to care for our health
(B) some negative effects of alcohol intake
(C) the importance of using self-control when you are drunk
(D) why drunken people are happy and jovial
- 48 What effect of alcohol is NOT mentioned by the author?
(A) It causes people to act happy.
(B) It causes people to do things they wouldn't do otherwise.
(C) It keeps people from eating the food they need.
(D) It causes people to gain weight.
- 49 According to the last paragraph, people who drink alcohol _____.
(A) might not remember to eat (B) are causing mass starvation in poor countries
(C) eat sooner because they get hungry more easily (D) often worry too much about their health
- 50 Which of the following statements would the author be LEAST likely to agree with?
(A) Despite its bad effects on our health, alcohol helps us to develop self-control.
(B) People may enjoy drinking alcohol at the risk of their health.
(C) It's mistaken that alcohol gives people energy.
(D) Alcohol slows people down in reaction when driving.