

98 年公務人員特種考試警察人員考試、98 年特種考試交通事業
鐵路人員考試及 98 年公務人員特種考試民航人員考試試題

等 別：三等考試、高員三級

類 科：警察、鐵路各類科別

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。

- 依憲法增修條文第 10 條第 10 項之規定，何種經費應優先編列？
(A)國防經費 (B)經濟發展經費 (C)國民教育經費 (D)政黨補助經費
- 依憲法規定，各種選舉，應規定婦女當選名額，其辦法：
(A)以憲法定之 (B)以法律定之 (C)以法規命令定之 (D)以行政規則定之
- 我國憲法對於人民自由權利之保障，係以下列那一種方式為之？
(A)人民於法律所定範圍內方享有憲法所列之各項自由權利
(B)憲法所定之人民各項自由權利受憲法直接保障，國家僅能於不違憲的範圍內，以法律限制
(C)人民自由權利既受憲法保障，故不得以法律限制之
(D)憲法所定之人民各項自由權利，經大法官確認者方受憲法直接保障
- 憲法修改應使國民預知其修改之目的並有表達意見之機會，故憲法增修條文規定，立法院提出憲法修正案時應公告多久？
(A)一個月 (B)三個月 (C)半年 (D)一年
- 審計長完成中央政府決算審核後，應提出審核報告於：
(A)監察院 (B)立法院 (C)行政院 (D)司法院
- 中華民國國民至少年滿幾歲者，有依法選舉之權？
(A)年滿 18 歲 (B)年滿 20 歲 (C)年滿 16 歲 (D)年滿 23 歲
- 下列有關秘密通訊自由之敘述，何者錯誤？
(A)郵政法規定郵務人員不得開拆他人信件
(B)電信法規定電信事業及專用電信處理之通信，他人不得盜接、盜錄
(C)刑法規定無故開拆他人之封緘信函者，予以處罰
(D)通訊保障及監察法規定檢察官為偵查犯罪得核發通訊監察書
- 提審制度是下列那一階段之程序保障？
(A)逮捕程序 (B)再審程序 (C)審判程序 (D)上訴程序
- 關於我國國家賠償之方法，依國家賠償法規定，下列敘述何者正確？
(A)以回復原狀為原則，金錢賠償為例外 (B)以金錢賠償為原則，回復原狀為例外
(C)由賠償義務機關決定 (D)國家賠償與民事賠償之方法相同
- 各政黨之得票比率未達 5% 以上者，其得票數不列入政黨比例代表制名額之計算，此一規定與選舉的何種原則有關？
(A)普通原則 (B)平等原則 (C)直接原則 (D)秘密原則
- 下列有關國家賠償之賠償請求權人之敘述，何者正確？
(A)外國人不得請求 (B)法人不得請求
(C)反射利益受侵害者不得請求 (D)僅被害人得請求
- 政府為了闢建公共設施徵收人民土地，但不給予任何補償，主要係違反憲法何項權利之保障？
(A)生存權 (B)財產權 (C)工作權 (D)程序基本權
- 依憲法增修條文規定，總統、副總統之罷免案係由何者所提出？
(A)人民連署 (B)國民大會 (C)立法院 (D)監察院

- 14 行政院副院長的任命程序是：
(A)總統提名，經立法院同意任命 (B)總統提名，行政院院長同意任命
(C)行政院院長直接任命 (D)行政院院長提請總統任命
- 15 關於人民之納稅義務，下列敘述何者正確？
(A)所有關於稅務之事，皆須由法律明確定之，不得授權行政命令定之
(B)特別公課之徵收，不受租稅法定原則之拘束
(C)課稅原因事實之有無的認定，不屬於租稅法定原則範圍內
(D)人民得以國家機關未妥善運用稅款為由，拒絕繳納稅款
- 16 雇主對求職者或受僱者之招募、甄試、進用、分發、配置、考績或陞遷等，因為性別而有差別待遇，其法律上的效果不包括下列何者？
(A)民事上的損害賠償責任 (B)行政上的罰鍰
(C)行政上的申訴、訴願、行政程序 (D)行政上的停業處分
- 17 遺囑人以第二遺囑撤回第一遺囑後，再以第三遺囑明示撤回第二遺囑時，則第一遺囑之效力如何？
(A)效力未定 (B)視為撤回 (C)有效 (D)無效
- 18 保證契約的當事人為誰？
(A)債權人與主債務人 (B)債權人與保證人 (C)主債務人與保證人 (D)第三人與保證人
- 19 下列何者非屬著作財產權？
(A)著作公開展示權 (B)著作公開上映權 (C)著作出租權 (D)著作公開發表權
- 20 數人依法律規定，有同一債權，而各得向債務人為全部給付之請求者，通稱為：
(A)連帶債權 (B)不可分債權 (C)債權之準公同共有 (D)債權之準分別共有
- 21 有關權力分立原則的敘述，下列何者正確？
(A)權力分立制度係法國政治思想家洛克所集成建構
(B)國家權力之分立，目的是為了權力間的互相制衡，以免權力濫用
(C)現代權力分立原則禁止立法機關授權行政機關制定抽象的規範
(D)法律既是民意代表所制定，一定會符合公平正義
- 22 下列敘述何者正確？
(A)行為之處罰，若行為時之法律無明文規定者，得類推適用相類似的規定
(B)「行為後法律有變更者，適用行為時之法律。」此一規定屬於從新原則
(C)主刑的種類包括：死刑、無期徒刑、有期徒刑、拘役和罰鍰
(D)甲開車不慎擦撞他車，無人傷亡。因刑法不處罰過失毀損，所以甲的行為在刑法上不受處罰
- 23 行政執行法第 3 條規定，行政執行應「以適當之方法為之，不得逾達成執行目的之必要限度」，此乃下列那一項原則的實現？
(A)法律保留原則 (B)比例原則 (C)執行法定原則 (D)合目的性原則
- 24 依司法院釋字第 645 號解釋，行政院公民投票審議委員會委員由各政黨依立法院各黨團席次比例推荐，送交主管機關提請總統任命之，顯已逾越下列何種原則？
(A)法律保留原則 (B)權力分立原則 (C)依法行政原則 (D)平等原則
- 25 非醫師的甲唆使醫師乙洩漏其病患丙之病歷資料，乙在未經丙之同意且無任何正當理由的情形下，將丙的病例予以洩漏。甲與乙有何刑責？
(A)甲與乙成立洩漏業務秘密罪的共同正犯
(B)甲成立洩漏業務秘密罪的間接正犯，乙成立洩漏業務秘密罪的幫助犯
(C)甲成立洩漏業務秘密罪的教唆犯，乙成立洩漏業務秘密罪的正犯
(D)甲不成立犯罪，乙成立洩漏業務秘密罪的正犯
- 26 區分原則法與例外法的實益何在？
(A)原則法如有修改，效力以不溯及既往為原則 (B)例外法如有修改，效力以不溯及既往為原則
(C)原則法必須從嚴解釋，不得類推適用 (D)例外法必須從嚴解釋，不得擴張或類推適用

- 27 依據憲法增修條文之規定，自第七屆起，僑居國外國民所選出之立法委員，係如何選舉之？
(A)依政黨名單投票選舉之
(B)依據各政黨區域立委選舉結果得票數比例分配
(C)由僑居國外國民返國投票選舉
(D)由在臺灣地區設有戶籍之僑居海外國民進行不在籍投票
- 28 我國憲法中未明文規定，但依司法院大法官解釋，仍屬人民之基本權利者為：
(A)參政權 (B)工作權 (C)人身自由 (D)資訊隱私權
- 29 依據地方制度法，下列敘述何者錯誤？
(A)直轄市、縣（市）、鄉（鎮、市）得就其自治事項或依法律及上級法規之授權，制定自治法規
(B)自治法規經地方立法機關通過，並由各該行政機關公布者，稱自治條例
(C)自治法規由地方行政機關訂定，並發布或下達者，稱自治規章
(D)自治條例應分別冠以各該地方自治團體之名稱
- 30 依憲法增修條文規定，彈劾總統應由下列何機關審理之？
(A)司法院大法官 (B)監察院 (C)國民大會 (D)立法院
- 31 _____ in Taipei is becoming much more convenient with the newly built Mass Rapid Transit.
(A) Passenger (B) Traffic (C) Transportation (D) Vehicle
- 32 Native Americans have a cultural _____ that extends back over 1,000 years.
(A) average (B) heritage (C) exchange (D) visage
- 33 Do not expect John to apply for a visa. Too much paperwork can overload him.
(A) John might not be able to get a visa because he does not like to fill out many forms.
(B) John fails to get the visa because he forgets to bring the papers with him.
(C) John does not expect to have a good job because it is quite demanding.
(D) John is overwhelmed with the questions asked by the customs officer.
- 34 Microsoft's Windows are the computer software _____ that I am most familiar with.
(A) bandages (B) barrages (C) packages (D) personages
- 35 If a professor uses others' essays without documentation, he will be accused of _____ and expelled out of the academic community.
(A) burglary (B) counterfeit (C) ghostwriting (D) plagiarism
- 36 In his childhood, his family lived in an inner city where parents were _____ by bad housing and shortage of money.
(A) anticipated (B) backfired (C) committed (D) depressed
- 37 By learning to express _____, to show thankfulness to people, people can become more satisfied with their daily lives.
(A) hostility (B) gratitude (C) intimacy (D) fantasy
- 38 Jenny is very kind to her next-door neighbor, _____ her neighbor is not easy to get along with.
(A) besides (B) except (C) even (D) even though
- 39 I'll go to the library later today, if I _____ the time.
(A) have (B) had (C) am having (D) will have
- 40 Fat people must be careful because obesity is on its way to _____ smoking as the number one killer in many countries.
(A) progressing (B) regressing (C) transacting (D) surpassing
- 41 _____ its cost, the office ladies still dream of owning a designer bag.
(A) Except (B) Despite (C) Even if (D) Owing to

- 42 For many people, there seemed to be no escape from poverty.
- (A) It seemed that many people could not change their impoverished condition.
 - (B) Many people found little difficulty in getting rid of poverty.
 - (C) Many people were poor, and they found no way to get away from the rich.
 - (D) It seemed that many people found no way to help those poor people.

Someone in Hollywood should snap up the movie rights to the backstory of *Falcarius utahensis*, the 125 million-year-old dinosaur with 10-cm claws and spoon-shaped molars 43 last week. Scientists say it offers the first glimpse into how dinos made the 44 from small, agile meat eaters to elephant-size vegetarians. *Falcarius*, as it turns out, was dug up by a black-market fossil collector named Lawrence Walker, who found it on US government land in Utah while digging at night under a tarpaulin. Convinced he was onto something big, the poacher tipped 45 a paleontologist he knew, James Kirkland, and led him to the site. Kirkland tried to protect his source but, asked under oath how the dinosaur was discovered, reluctantly 46 Walker in. Kirkland got his 15 minutes of fame last week. Walker served five months in prison.

- 43 (A) concealed (B) unveiled (C) restored (D) explored
44 (A) movement (B) flowing (C) transition (D) gap
45 (A) off (B) over (C) up (D) into
46 (A) handed (B) told (C) took (D) turned

As little as thirty years ago, few people questioned the gender roles that had prevailed for centuries. The conventional wisdom was that a woman's place was in the home and that a man's main responsibility to his family was to put food on the table. In the 1970s and 1980s, however, greater numbers of working women meant that men were no longer the sole breadwinners. A father's emotional involvement with his family also became more important. Forty years ago, almost no husbands were present in the delivery room when their wives gave birth. Today, it is generally expected for male partners to attend childbirth classes, to be there for the delivery, and to take more responsibility for child rearing than their fathers or grandfathers did.

In addition to society's changing views of the role men play in relation to childcare, social scientists also found that the presence of the father in the home can contribute to lower juvenile crime rates, a decrease in child poverty, and lower rates of teenage pregnancy. Differences in parenting styles between men and women are also believed to contribute to children's ability to understand and communicate emotions in different ways. The research supports the claim that the absence of a father in the family is the single biggest problem in modern society.

- 47 Forty years ago, a father usually _____.
(A) won bread for his family (B) attended childbirth classes
(C) educated his children (D) stayed at home
- 48 The father's presence at home does NOT contribute to _____.
(A) lower juvenile crime rates (B) more serious family violence
(C) a decrease in child poverty (D) children's better development
- 49 Children under the care of both parents develop good ability to communicate emotions because _____.
(A) there are more conflicts in the family (B) there are two breadwinners in the family
(C) there are two parenting styles in the family (D) there are fathers and grandfathers in the family
- 50 The author would agree that _____.
(A) the increased number of working women brings about serious problems in childcare
(B) contemporary men take more responsibility for childcare than their fathers
(C) a father's emotional involvement with his family is not as important as a mother's
(D) a mother's emotional involvement with her family is not as important as a father's

測驗題標準答案

考試名稱： 98年 公務人員特種考試警察人員、民航人員考試、特種考試交通事業鐵路人員考試

類科名稱： 行政警察人員

科目名稱： 法學知識與英文（試題代號：2301）

題 數： 50題

標準答案：

題序	01	02	03	04	05	06	07	08	09	10	11	12	13	14	15	16	17	18	19	20
答案	C	B	B	C	B	B	D	A	B	B	C	B	C	D	C	D	C	B	D	A

題序	21	22	23	24	25	26	27	28	29	30	31	32	33	34	35	36	37	38	39	40
答案	B	D	B	B	C	D	A	D	C	A	C	B	A	C	D	D	B	D	A	D

題序	41	42	43	44	45	46	47	48	49	50
答案	B	A	B	C	A	D	A	B	C	B

備 註： 無更正紀錄。