

測驗題標準答案

考試名稱： 99年公務人員特種考試外交領事人員及國際新聞人員考試、公務人員特種考試國際經濟商務人員考試、公務人員特種考試法務部調查局調查人員考試及公務人員特種考試國家安全局國家安全情報人員考試

類科名稱： 各組

科目名稱： 法學知識與英文（試題代號：2401）

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	A	C	D	C	B	C	D	B	D	C	D	B	D	D	C	C	D	C	B	D

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	A	B	C	A	C	B	C	A	A	B	B	B	C	B	A	B	B	B

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

備註： 無更正紀錄。

99 年公務人員特種考試外交領事人員及國際新聞人員考試、
99 年公務人員特種考試國際經濟商務人員考試、99 年公
務人員特種考試法務部調查局調查人員考試及 99 年公務
人員特種考試國家安全局國家安全情報人員考試試題

考試別：調查人員、國家安全情報人員

等別：三等考試

類科組：各組

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。

- 有關總統、副總統選舉、罷免訴訟之敘述，下列何者錯誤？
(A)總統、副總統選舉、罷免訴訟，專屬中央政府所在地之高等行政法院管轄
(B)選舉、罷免訴訟程序，除總統副總統選舉罷免法規定者外，準用民事訴訟法之規定
(C)民事訴訟法關於捨棄、認諾之規定，不在準用之列
(D)民事訴訟法關於訴訟上自認或不爭執事實效力之規定，不在準用之列
- 依公民投票法第 2 條之規定，下列何種事項不得作為公民投票之提案？
(A)國防 (B)外交 (C)投資 (D)核能政策
- 依司法院大法官釋字第 371 號解釋意旨，高等行政法院法官於審理個案時，對於應適用之法律，依其合理之確信，認為有牴觸憲法之疑義者，得如何處置？
(A)法官依據法律獨立審判，仍須適用該有違憲疑義之法律
(B)法官可宣告該法律違憲，直接拒絕適用該法律
(C)裁定停止訴訟程序，聲請最高行政法院解釋
(D)裁定停止訴訟程序，聲請司法院大法官解釋
- 關於考試院之職權，下列敘述何者錯誤？
(A)考試院職權之行使，採合議制
(B)考試院所掌事項如與行政院之職權有關，得就該事項會同行政院向立法院提出法律案
(C)立法院各種委員會依憲法第 67 條第 2 項規定，邀請考試委員到會備詢時，考試委員有應邀說明之義務
(D)考試院關於所掌事項，得向立法院提出法律案
- 有關中華民國憲法上所稱之條約，下列敘述何者正確？
(A)締結權專屬於行政院院長
(B)立法院有議決條約案之權
(C)條約不包括名稱為公約之國際書面協定
(D)條約不包括中華民國與國際組織所締結之國際書面協定
- 依司法院大法官釋字第 391 號解釋，有關立法院審議預算之敘述，下列何者錯誤？
(A)預算案與法律案性質不同，尚不得比照審議法律案之方式逐條逐句增刪修改
(B)立法委員對行政院所提預算案得逕行刪減
(C)就被移動增加或追加原預算之項目言，因不變動總預算金額，故並非憲法所指增加支出提議之一種
(D)預算科目之移動涉及施政計畫內容之變動與調整，易導致政策成敗無所歸屬，責任政治難以建立，有違行政權與立法權分立
- 依據我國憲法所規定之總統特權，下列敘述何者正確？
(A)除犯內亂、外患罪外，非經罷免或解職，不受刑事及民事訴究
(B)現任總統競選連任時，在競選期間身分轉變為候選人，不得享有刑事豁免權
(C)總統卸職後為維護尊嚴，任職期間所犯任何刑事案件，皆不得訴究
(D)有關刑事豁免特權僅總統可擁有，並不及於副總統
- 關於國家賠償之規定，下列何者正確？
(A)公務員之私行為損害人民權益，國家仍應賠償
(B)受政府委託之個人，行使公權力時，視同公務員
(C)公務員合法行使公權力，損害人民權益，國家仍應賠償
(D)天然災害損害人民權益，國家仍應賠償
- 立法院所提出之憲法修正案，若未獲公民投票複決通過，有無不得再行提出同一內容憲法修正案之限制？
(A)一年內不得再行提出同一內容之憲法修正案 (B)三年內不得再行提出同一內容之憲法修正案
(C)從此不得再行提出同一內容之憲法修正案 (D)無任何限制
- 依司法院大法官解釋，下列有關平等原則之敘述，何者正確？
(A)國家對勞工與公務人員退休生活所為之保護不得有差異
(B)現役軍人不得兼任文官之規定違反平等原則
(C)父母對於未成年子女權利之行使意思不一致時，由父行使之規定與平等原則有違
(D)政黨推薦之區域候選人保證金減半，無黨籍候選人無此優惠，與平等原則無違

- 11 依司法院大法官解釋，羈押法規定對受羈押被告與辯護人接見時監聽、錄音所獲得之資訊，得作為偵查或審判上認定被告本案犯罪事實之證據，牴觸憲法所保障之何種基本權利？
(A)言論自由 (B)人身自由 (C)財產權 (D)訴訟權
- 12 依司法院大法官釋字第 499 號解釋之意旨，有關修憲權行使之敘述，下列何者錯誤？
(A)修改憲法乃最直接體現國民主權之行為，須符合公開透明原則
(B)修改憲法如有瑕疵，不論輕重，均不生其應有之效力，以維憲政秩序
(C)憲法中具有本質之重要性而為規範秩序存立之基礎者，不得任意修改
(D)國民大會代表自行延長任期部分，於利益迴避原則有違，亦與自由民主憲政秩序不合
- 13 依據司法院大法官釋字第 588 號解釋，下列何種行政執行法所定拘提管收事由，係屬違憲侵害人身自由？
(A)顯有履行義務之可能，故不履行者
(B)顯有逃匿之虞
(C)就應供強制執行之財產有隱匿或處分之情事者
(D)經命其報告財產狀況，不為報告或為虛偽之報告者
- 14 依地方制度法第 75 條第 8 項規定，各級地方自治團體辦理自治事項有無違法發生疑義時，下列那一個機關具有最終解釋權？
(A)立法院 (B)行政院 (C)監察院 (D)司法院
- 15 依中華民國憲法本文之規定，下列那一種事項，既非由縣所能立法，亦非由縣所能執行者？
(A)教育制度 (B)全國戶口調查及統計 (C)司法制度 (D)航業及海洋漁業
- 16 某一女性員工於下班後陪同雇主外出與客戶應酬，遭客戶性騷擾，該員工立即向雇主反映，但雇主置之不理，要求她息事寧人、勿影響公司與客戶往來。依照性別工作平等法的規定，下列何者正確？
(A)因性騷擾之行為人為客戶，並非公司員工，因此雇主的行為並不違反性別工作平等法
(B)該女性員工遭受性騷擾之時並非上班時間，因此雇主的行為並不違反性別工作平等法
(C)雇主知悉受僱者於執行職務時遭受性騷擾，卻未採取糾正與補救措施，主管機關應處以罰鍰
(D)雇主知悉受僱者於執行職務時遭受性騷擾，應向警察局通報卻未通報，主管機關應處以罰鍰
- 17 下列有關消費者保護法中對消費者保護之敘述，何者錯誤？
(A)企業經營者有事實足認其提供之商品有危害消費者健康之虞時，即應回收之
(B)企業經營者應確保其廣告內容之真實
(C)媒體經營者明知刊登之商品廣告內容不實者，就消費者所受之損害，亦應連帶負責
(D)分期付款契約得以書面或口頭為之
- 18 勞動基準法規定有關女工懷孕時的保護，下列何者錯誤？
(A)女性分娩前後，應停止工作，給予產假 8 星期
(B)女性分娩前後而停止工作的期間，雇主不得將其解僱，除因天災、事變或其他不可抗力致事業不能繼續，經報主管機關核定者，不在此限
(C)女性分娩前後而停止工作的期間，其工資一律減半發給
(D)女性妊娠三個月以上流產者，應停止工作，給予產假 4 星期
- 19 甲是任職某縣分局之警員，受友人乙請託，於辦公室擅自進入警政署網站，查詢汽車車籍資料，並洩漏給丙，以供丙進行訴訟之用。下列關於甲可能成立的罪名之敘述，何者正確？
(A)甲成立公務侵占罪 (B)甲成立洩漏國防以外秘密罪
(C)甲成立背信罪 (D)甲成立洩漏國防秘密罪
- 20 關於契約期間之規定，下列敘述何者錯誤？
(A)人事保證契約訂有期限者，最長不得逾 3 年，逾 3 年者縮短為 3 年
(B)人事保證契約未訂有期限者，自成立之日起有效期間為 3 年
(C)房屋租賃契約之期限，不得逾 20 年，逾 20 年者縮短為 20 年
(D)租用基地建築房屋，該租約不得逾 20 年，逾 20 年者縮短為 20 年
- 21 下列請求判決離婚之事由中，何者無離婚請求權行使期間之限制？
(A)重婚 (B)有不治之惡疾
(C)夫妻之一方意圖殺害他方 (D)與配偶以外之人合意性交
- 22 公共設施依法穿越私有土地上空或地下，應給予相當代價，此項代價係：
(A)政府德政 (B)國家賠償 (C)民事賠償 (D)行政補償
- 23 依司法院大法官解釋，下列有關信賴保護之敘述，何者錯誤？
(A)人民信賴行政機關具體之行政處分，才有信賴保護的問題
(B)信賴保護亦屬憲法保障人民權利之要求
(C)信賴行政法規所形成之法律秩序亦應予以保護
(D)基於信賴保護原則，行政機關廢止行政法規時，應採取合理補救措施或訂定過渡期間之條款
- 24 下列關於行政機關適用法律之敘述，何者錯誤？
(A)本於依法行政原則，行政機關之適用法律無待請求
(B)本於依法行政原則，行政機關之適用法律原則上無自由裁量權限
(C)就執行之程序與細節，得另行發布命令
(D)須受上級之指揮監督
- 25 某道路上之交通號誌載有「重型車輛准予通行」之圖記，則解釋上小型車亦應在容許之列。關於其解釋，下列何者之敘述正確？
(A)此係反面解釋方法之運用 (B)此係文義解釋方法之運用
(C)此即舊律所稱之「舉重以明輕」解釋方法之運用 (D)此即舊律所稱之「舉輕以明重」解釋方法之運用

- 26 自治條例經各該地方立法機關議決後，如規定有罰則時，應進行下列何種程序？
(A)應分別報經行政院、中央各該主管機關核定後發布 (B)直轄市法規應報行政院核備後發布
(C)縣(市)規章應報中央各該主管機關核備後發布 (D)鄉(鎮、市)規約應報縣政府核備後發布
- 27 依中央法規標準法第 5 條規定，下列何者應以法律規定？
(A)政府機關內運作事項 (B)對公務員之指揮監督事項
(C)關於人民之權利、義務事項 (D)公立大學之校規
- 28 1896 年(明治 29 年)，日本以法律第 63 號發布〈有關應施行於臺灣之法令的法律〉，賦予臺灣總督制定「律令」的權限。「律令」與帝國議會通過的法律，擁有同等效力。請問這部於 1896 年公布的法律，後來稱爲：
(A)九六法 (B)六三法 (C)二九法 (D)一八九六法
- 29 社會運動是促成法律變革的可能動力之一。請問以下那個法律的制定，主要來自於社會運動的推動？
(A)國家安全法 (B)貪污治罪條例
(C)漢生病病人權保障及補償條例 (D)臺灣地區與大陸地區人民關係條例
- 30 近世法律關係趨於複雜，有時純靠私法並無法解決私人間的法律關係，因此公法往往介入私法領域，下列何者屬於此類法律？
(A)勞動基準法 (B)行政訴訟法 (C)訴願法 (D)國家賠償法
- 31 After five treatments from Dr. Huang, there has been a _____ improvement in my arm, and the pain is almost gone.
(A)dramatic (B)meaningless (C)slight (D)fatal
- 32 It is commonly believed that _____ is more important than product. The way to achieve the goal is considered of greater importance than the outcome.
(A)operation (B)process (C)schedule (D)vehicle
- 33 Since he has not purchased a washing machine, he takes his dirty clothes to the _____ to get them washed with coin-operated machines.
(A)cafeteria (B)laundromat (C)monument (D)orchestra
- 34 We all have hidden strengths and _____ for growth and creative change.
(A)braces (B)capacities (C)traces (D)utilities
- 35 I cannot tolerate a person speaking English fluently but with nothing to say; after all, language is a tool to _____ about ideas, not nonsense.
(A)combine (B)commute (C)communicate (D)connect
- 36 All you need to do is fill out the blanks and _____ the application.
(A)apply (B)file (C)pass (D)open
- 37 Fame can be very disruptive: it can be like a drug that gives you the feeling that you are happy and self-fulfilled but it can also distract you from what is really important.
(A)Although fame brings the feeling of happiness and self-fulfillment, it ultimately makes one distracted from reality.
(B)Although fame is like a drug, it is indispensable if one would like to get the feeling of happiness and self-fulfillment.
(C)Although fame distracts one from making judgments, it provides the drug for the feeling of happiness and self-fulfillment.
(D)Although fame is unimportant, people pursue it as if it is a drug that brings the feeling of happiness and self-fulfillment.
- 38 Even though placing Mozart in a role as healer of mind and body is _____, many researchers claim Mozart's music helps to enhance your brain power.
(A)tremendous (B)controversial (C)supreme (D)feasible
- 39 It is well to remember that the entire population of the universe, with one trifling exception, is composed of others.
(A)We had better remember that each of us exists thanks to the support of the entire population of the universe.
(B)We had better remember that each of us is only one insignificant individual among all the people in the world.
(C)It seems very clear that the entire population of the universe is much more important than each individual.
(D)It is strongly suggested that we can always find one insignificant individual among all the people in the world.
- 40 A vacation sometimes turns out to be a no-win situation: unattainable for those who cannot afford it; dispiriting and unsatisfying for many who can.
(A)A no-win vacation is one which few people can afford and those who can afford it find no fun and unworthy at all.
(B)A vacation sometimes pleases no one because it is either unaffordable for some people or disappointing for many who can afford it.
(C)No one wishes to see a vacation turning into a no-win situation since people prefer a vacation that is affordable and satisfying.
(D)When a vacation turns into a no-win situation, it is either too expensive or disappointing for many who can afford it.
- 41 The enumeration of influences, however comprehensive, will not add up to a genuine understanding of the specific work.
(A)Comprehensive description of influences will strengthen the genuine understanding of the specific work.
(B)Extensive description of influences does not amount to a genuine understanding of the specific work.
(C)The total number of influences does not represent a genuine understanding of the work.
(D)Listing of numerous influences is a genuine understanding of the specific work.

- 42 All-vegetable diets have received endorsements since antiquity, among sages aware of the improving effects of all kinds of austerity, and among critics of human arrogance which claims dominion over beasts.
- (A) Since ancient times, many intellectuals have always been in favor of all-vegetable diets: sages find evidence to prove the benefits of simple diets and some even contend that it is foolish to eat meat.
- (B) Since ancient times, all-vegetable diets have always been a controversial issue: some scholars argue about the advantages of being vegetarians whereas others question the idea of curbing one's appetite for meat.
- (C) Since ancient times, the good effects of all-vegetable diets have been recognized by both sages and critics of human arrogance: the former know the benefits of restraint and the latter, the fallacy of man's dominion over beasts.
- (D) Since ancient times, all-vegetable diets have always been taken seriously by many intellectuals: some point out the benefits of simple diets and others criticize the killing of animals for their meat.

編號第 43 題至第 46 題，請依據下文文意，從四個選項中選出最合適者。

Debbie Walrod was an athletic young Californian, a former professional model, and a ballerina, until a rare blood infection resulted in her having both her legs and all of her fingers amputated. 43 Then, through a program called Canine Companions for Independence (CCI), Walrod was matched with Oregon, a service dog, and her life became charged with possibility once more. CCI was created in 1977 by Bonita Bergin, a teacher who specialized in helping students who were physically challenged because of injury or disease. Bergin knew that guide dogs had provided invaluable assistance to blind people. 44 Professional dog trainers were, for the most part, discouraging. However, Bergin did receive the support of health-care professionals who, up until that point, had been unable to do little more than commiserate with clients frustrated by their physical defects.

Although she worked out her home with helpers who accepted little or no pay, training costs were high so monetary problems became an issue. 45 At the same time, Bergin found it impossible to train older dogs, but young Labradors and golden retrievers were fit to be trained. Within fifteen years of the creation of CCI, more than a dozen similar organizations were established. 46

- 43 (A) Therefore, Bergin solicited and received financial help from believers in her project.
(B) Prospects for an active, fulfilling, and independent future seemed to be grim.
(C) She wondered if it would be possible to train dogs to perform various tasks for people with other disabilities.
(D) One example of such a non-profit organization is Paws for a Cause.
- 44 (A) Prospects for an active, fulfilling, and independent future seemed to be grim.
(B) Bergin was warned that her money was not sufficient to cure the physically challenged.
(C) Therefore, Bergin solicited and received financial help from believers in her project.
(D) She wondered if it would be possible to train dogs to perform various tasks for people with other disabilities.
- 45 (A) Prospects for an active, fulfilling, and independent future seemed to be grim.
(B) Therefore, she asked the trainer to find some trainable dogs for her.
(C) Therefore, Bergin solicited and received financial help from believers in her project.
(D) Bergin was warned that her money was not sufficient to cure the physically challenged.
- 46 (A) Prospects for an active, fulfilling, and independent future seemed to be grim.
(B) Therefore, Bergin solicited and received financial help from believers in her project.
(C) One example of such a non-profit organization is Paws for a Cause.
(D) Bergin was warned that her money was not sufficient to cure the physically challenged.

編號第 47 題至第 50 題，請依據下文文意，從四個選項中選出最合適者。

At the beginning of the 16th century, laborers working near the Colosseum penetrated a buried building whose vaults were adorned with frescoes and stuccos. This was the Domus Aurea or Golden House, a huge palace built by the Emperor Nero over the remains of a building that had burned down. The Domus Aurea had burned in its turn and had been covered over by the baths of Trajan.

The Domus Aurea galleries, which were thought to have been underground from the very beginning, were called "grottoes," and their mural paintings of ornamental designs and mythological figures were called "grotesques." The discovery of the grotesques was to have a profound influence on the artists of the Renaissance, who began to redecorate palaces with imitations of them. Raphael (1483-1520), one of the greatest, also drew inspiration from them when decorating the Logge in the Vatican palace. Even more important was the fact that the frescoes provided the first color illustrations of antiquity; the mural paintings of Pompeii and Herculaneum were not discovered until two centuries later.

- 47 Which of the following was discovered in the 16th century?
(A) The baths of Trajan (B) The Colosseum (C) The Golden House (D) The Logge
- 48 What is the order (from the ground level downward) of the following buildings: ① the Golden House; ② the remains of an unidentified building; ③ the baths of Trajan?
(A) ①②③ (B) ②①③ (C) ②③① (D) ③①②
- 49 What was the subject of the paintings in the galleries of the Golden House?
(A) Ancient caves (B) Historical figures (C) Imaginary creatures (D) Natural landscapes
- 50 Which of the following descriptions of the grottoes is true?
(A) They were believed to be built underground. (B) They were museums of ancient paintings.
(C) They were built above the Colosseum. (D) They were famous for familiar designs.