

108年公務人員特種考試司法人員、法務部調查局調查人員、國家安全局國家安全情報人員、海岸巡防人員及移民行政人員考試試題

考 試 別：司法人員、移民行政人員

等別：四等考試

類科組：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，
(二)本科目共 50 題，每題 2
(三)禁止使用電子計算器

- 1 下列何者並非現行憲法對政府體制之規定？
(A)立法委員得對行政院院長提出不信任案
(B)行政院院長得提請總統解散國會
(C)副總統缺位時，由行政院院長擔任
(D)總統任命行政院院長無須立法院同意

2 依憲法增修條文規定，下列何者為國家應優先編列之經費？
(A)高等教育之支出
(B)軍人退役後就養之支出
(C)社會救助之救濟性支出
(D)全民健康保險之支出

3 國家依行政執行法，對於不履行金錢給付義務之債務人予以管收，係對何種基本權利之限制？
(A)遷徙自由
(B)人身自由
(C)訴訟權
(D)財產權

4 依司法院釋字第 414 號解釋意旨，商品標示涉及下列何種憲法上權利？
(A)言論自由
(B)隱私權
(C)智慧財產權
(D)健康權

5 關於訴訟權之保障內涵，下列敘述何者錯誤？
(A)受公平審判之權利
(B)依正當法律程序請求法院救濟
(C)接受法院三級三審審判之權利
(D)即時有效之司法救濟

6 依司法院大法官對集會遊行自由之解釋，下列敘述何者錯誤？
(A)國家對於集會遊行，負有保護其安全，使其得以順利進行之義務
(B)集會自由與言論自由，同屬表現自由之範疇，為實施民主政治最重要的基本人權
(C)基於維繫國家存續與安全之考量，針對以「主張共產主義或分裂國土」為訴求之集會、遊行，應不予許可或命其解散
(D)集會遊行法對於不遵從解散及制止命令之首謀者科以刑責，為立法自由形成範圍，與憲法尚無牴觸

7 有關罷免之敘述，下列何者錯誤？
(A)罷免權屬於人民參政權之一環
(B)人民有權對全國不分區立法委員行使罷免權
(C)人民得以立法委員之院內言論不當為理由，依法罷免之
(D)公職人員就職未滿 1 年者，不得罷免

8 關於憲法明定之選舉人資格，下列敘述何者錯誤？
(A)須具備中華民國國籍
(B)以僅具中華民國國籍者為限
(C)須年滿 20 歲
(D)得以法律進一步規範其他資格限制

9 依憲法增修條文規定，下列敘述何者錯誤？
(A)總統為避免國家或人民遭遇緊急危難或應付財政經濟上重大變故，得經行政院會議之決議發布緊急命令
(B)總統發布緊急命令後 10 日內應提交立法院追認
(C)總統於立法院通過對行政院院長之不信任案後 10 日內，經諮詢行政院院長後，得宣告解散立法院
(D)副總統缺位時，總統應於 3 個月內提名候選人，由立法院補選

10 有關行政院院長人事權的敘述，下列何者錯誤？
(A)行政院各部會首長及不管部會之政務委員，由行政院院長提請總統任命之
(B)行政院院長對所屬機關重要人事，應具有一定之決定權限，方能落實行政一體及責任政治之原則
(C)行政院院長更迭時，獨立機關委員因任期保障，毋庸與行政院院長同進退，有違責任政治之原則
(D)行政院院長於獨立機關委員有違法、失職情事，而情節重大，得依職權先行停止其職務

11 有關立法委員選舉方式，下列敘述何者錯誤？
(A)採「單一選區兩票制」，一票選人，一票選黨
(B)獲得百分之五以上政黨選舉票之政黨，依其得票比率分配席次
(C)依政黨選舉票產生之立法委員，各政黨當選名單，婦女不得低於二分之一
(D)原住民立法委員按各族人口比例分配席次

- 12 依憲法與司法院大法官解釋，下列關於預算之敘述，何者錯誤？
 (A)預算之性質屬於「措施性法律」
 (B)立法委員審議預算案時，可提議增加支出金額
 (C)預算案之議決，須經立法院三讀通過
 (D)法定預算之停止執行涉及重大政策變更時，行政院院長必須向立法院提出報告
- 13 下列何者並非憲法第 80 條所稱之法官？
 (A)公務員懲戒委員會委員 (B)檢察官 (C)最高行政法院法官 (D)大法官
- 14 法官於審理案件時，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，各級法院得以之為先決問題，裁定停止訴訟程序，聲請大法官解釋。此處所謂先決問題，係指下列何者？
 (A)法院確信系爭法律違憲，且顯然影響案件之裁判結果
 (B)法院確信系爭法律違憲，且可能影響案件之裁判結果
 (C)法院合理懷疑系爭法律違憲，且可能影響案件之裁判結果
 (D)法院懷疑系爭法律違憲，且顯然影響案件之裁判結果
- 15 宣告法律是否牴觸憲法，係專屬下列那一機關之職掌？
 (A)司法院大法官 (B)各級法院 (C)最高行政法院 (D)最高法院
- 16 行政機關於舉辦各類考試時，對於身心障礙者皆會延長考試時間。此正足以說明所謂的平等，係指下列何者？
 (A)形式平等 (B)實質平等 (C)比例式平等 (D)機械式平等
- 17 關於地方制度法中委辦規則之規定，下列敘述何者錯誤？
 (A)地方政府為辦理上級機關委辦事項，得依其法定職權或基於法律、中央法規之授權，訂定委辦規則
 (B)委辦規則應函報委辦機關核定後發布之
 (C)委辦規則應於核定文送達各該地方行政機關 30 日內發布
 (D)委辦規則與憲法、法律、中央法令或該自治團體自治條例牴觸者，無效
- 18 無行為能力人以其法定代理人之住所為「住所」，該「住所」為：
 (A)意定住所 (B)選定住所 (C)法定住所 (D)視為住所
- 19 刑法基本採取屬地主義，適用於中華民國領域內發生之犯罪行為，下列何者並非刑法所規定的中華民國領域內？
 (A)從桃園出發飛往歐洲的長榮航空機內 (B)從智利前往太平洋捕魚高雄籍漁船內
 (C)從高雄出發飛往桃園的日本航空機內 (D)從高雄出發停在杜拜的日本航空機內
- 20 根據全民健康保險法第 25 條規定，全民健康保險財務，由保險人至少每 5 年精算一次；每次精算多少年？
 (A) 10 年 (B) 15 年 (C) 20 年 (D) 25 年
- 21 依司法院大法官解釋，下列何者尚無違背憲法第 7 條保障人民平等權之意旨？
 (A)所得稅法關於薪資所得之計算，不許薪資所得者於該年度之必要費用超過法定扣除額時，得以列舉或其他方式減除必要費用
 (B)所得稅法以扶養其他親屬或家屬須未滿 20 歲或年滿 60 歲始得減除免稅額之規定
 (C)中醫特考規定，有一科零分或專業科目或特定科目成績未達規定者不予及格
 (D)身心障礙者保護法規定，非本法所稱視覺障礙者，不得從事按摩業
- 22 委任關係消滅之事由，係由當事人之一方發生者，於他方知其事由，或可得而知事由前，委任關係之效力如何？
 (A)委任關係當然消滅 (B)委任關係推定存續
 (C)委任關係視為存續 (D)委任關係消滅與否，依他方當事人之意思定之
- 23 被繼承人甲死亡後，遺留債務數筆，繼承人依民法第 1156 條開具遺產清冊陳報法院。下述債權人何者無優先受償權？
 (A)甲生前以其作為日常代步使用、價值 200 萬元的進口汽車一輛，設定抵押權予乙，向乙借款 100 萬元，尚未償還
 (B)甲生前以土地一塊出典予丙，丙支付典價 100 萬元予甲，並約定期限為 12 年，甲死亡時，丙之典權期限已屆滿半年，但甲並未回贖典物
 (C)甲生前以一只鑽錶出質予質權人丁，向丁融資 100 萬元；甲死亡時，尚未清償 100 萬元債務
 (D)甲生前向戊承租辦公大樓一棟，租金每月 200 萬元，押金 2 個月；甲死亡時已遲付租金 3 個月，但在大樓內留下價值 200 萬元的電腦辦公設備
- 24 甲、乙、丙共有 L 地，三人為書面的分割協議，約定將 L 地分割為 L1、L2 及 L3，由甲、乙、丙分別依序取得單獨所有權。下列敘述何者正確？
 (A)該 L 地分割協議屬於處分行為
 (B)分割協議僅得為原物分割
 (C)協議後，須再為分割，並經登記，始生物權變動之效力
 (D)甲、乙、丙基於該協議即分別取得 L1、L2、L3 之所有權

25 依民法規定，下列關於利息之債之敘述，何者正確？

- (A)遲延之債務，以金錢為標的者，債務人得請求遲延利息；對此利息，無須支付遲延利息
- (B)讓與債權時，未支付之利息，視為其隨同原本移轉受讓人
- (C)約定利率，超過週年百分之二十者，其約定無效
- (D)已屆清償期之利息債權，因2年間不行使而消滅

26 依性別工作平等法第15條第1項之規定，女性受僱者妊娠未滿二個月流產者，雇主應給予多長之產假？

- (A)令其繼續工作
- (B)使其停止工作，給予產假5日
- (C)使其停止工作，給予產假1星期
- (D)使其停止工作，給予產假10日

27 甲與乙結婚10年之後，才發現乙是有婦之夫；甲婚後仍有豐厚之工作收入，但因此事飽受親友議論訕笑。下列有關甲可對乙主張之權利的敘述，何者錯誤？

- (A)甲、乙的婚姻無效
- (B)甲可對乙請求精神上損害賠償
- (C)甲可對乙請求贍養費
- (D)甲婚後存下的錢若比乙少，可對乙請求婚後財產分配

28 依著作權法之規定，下列何者不屬於「散布」之定義？

- (A)將著作原件提供公眾出租
- (B)將著作重製物提供公眾出借
- (C)將著作原件放置於網路上提供公眾下載
- (D)將著作重製物無償提供於公眾流通

29 職業災害保險費率，分為行業別災害費率及上、下班災害費率二種，由中央主管機關擬訂，報請行政院核定，送請立法院查照。請問該等費率，每幾年調整一次？

- (A)1年
- (B)2年
- (C)3年
- (D)5年

30 甲於民國92年9月間涉犯連續竊盜罪嫌，民國96年9月始遭查獲，下列敘述何者正確？

- (A)甲構成竊盜罪連續犯
- (B)甲之竊盜罪應為數罪，非科刑上一罪
- (C)甲之行為應部分行為數罪併罰；部分行為視為連續犯
- (D)得任由法官裁量本案為一罪或數罪

31 George emailed me and I replied. We began to _____, both of us were cautious at first.

- (A)correspond
- (B)commit
- (C)comply
- (D)compress

32 If I file a complaint against a doctor, will my identity be kept _____ so that my name won't be revealed?

- (A)unambiguous
- (B)unconscious
- (C)comprehensive
- (D)confidential

33 Everyone is supposed to be equal but I've heard a great many men make unfavorable comments to embarrass or _____ women.

- (A)accommodate
- (B)subordinate
- (C)intimidate
- (D)eliminate

34 Pasteur attended a famous school in Paris and soon _____ with his research.

- (A)lost sight of himself
- (B)made a name for himself
- (C)caught up with himself
- (D)took advantage of himself

35 The taxi driver was obviously _____ by going through the red light, and caused an accident.

- (A)buckled up
- (B)in the wind
- (C)geared up
- (D)in rush

36 Tim doesn't know English, so he has to rely on his wife to _____ everything for him while travelling in America.

- (A)transfer
- (B)transform
- (C)translate
- (D)transport

37 My father had to work outside all night, and the whipping bitter wind made his hands red and _____.

- (A)chapped
- (B)spoiled
- (C)tainted
- (D>wrecked

38 A majority of unemployed families depend for their survival on the financial _____ that was offered by the local government.

- (A)shortage
- (B)souvenir
- (C)subsidy
- (D)surcharge

39 Even though Jason is complaining about his current job, he is _____ to quit until he finds a new one.

- (A)reluctant
- (B)reverence
- (C)reminisce
- (D)reciprocal

40 Like human beings, stars have a full life cycle. Born out of interstellar clouds, stars go on to have calm and _____ lives as adults, and then die quietly.

- (A)steep
- (B)stable
- (C)strange
- (D)staring

請依下文回答第 41 題至第 45 題：

More than 320 million metric tons of plastic are produced every year — and a disturbing amount ends up in the ocean, with much of it 41 in places like the Great Pacific Garbage Patch.

The Great Pacific Garbage Patch is a massive area measuring more than 1.6 million square kilometers. Researchers from the Ocean Cleanup foundation conducted a survey of plastic in the area, using planes to 42 from the sky and boats to trawl the water. They found that the amount of plastic there seemed to be increasing exponentially and that there could be 16 times as much as previously thought.

There's far too much plastic in the world's oceans, and the problem continues to 43. Every little bit of plastic that gets tossed into the ocean or swept downstream out to sea either sinks or is picked up by currents. Much of it is eventually carried into one of five massive ocean regions, where plastic can be so 44 that areas have garnered names like the Great Pacific Garbage Patch.

There may be more than 16 times as much plastic in the patch than previous studies have 45, according to the researchers behind the study. An aerial view of the Great Pacific Garbage Patch might at first appear to be open water. But inside there is debris from all over the world — debris that traps or is eaten by marine animals, filling up their bodies to the point of being fatal and tainting our food supply.

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|---------------------|---------------|-----------------|-------------------|
| 41 (A) accumulating | (B) commuting | (C) astonishing | (D) communicating |
| 42 (A) preserve | (B) reserve | (C) observe | (D) conserve |
| 43 (A) put away | (B) build up | (C) go down | (D) take off |
| 44 (A) continued | (B) conducted | (C) consumed | (D) concentrated |
| 45 (A) affected | (B) adopted | (C) estimated | (D) eliminated |

請依下文回答第 46 題至第 50 題：

Researchers at Vanderbilt University decided to find out how intelligent various animals are. To rightly compare brain power in **species**, it isn't enough to weigh brain tissue. You must take into account the brain relative to the organism's size. But this may fall short of evaluating actual intelligence.

Neuroscientist Suzana Herculano-Houzel said, "I believe the absolute number of neurons an animal has determined the richness of their internal mental state and their ability to predict what is about to happen in their environment based on past experience." She and her colleagues found that meat eaters have about the same number of neurons as plant eaters. That means plant eaters need as much brain power to escape from predators as meat eaters need to catch them.

How do cats and dogs measure up? Previous findings had cats ahead at 300 million neurons to dogs roughly 160 million. In this latest study, however, dogs were on top, with 530 million neurons to cats 250 million. Just for comparison, humans have around 16 billion such neurons. Even so, dogs were way above other meat eaters in the brain power department.

Having a bigger brain has a downside, researchers have found. "Meat eating is largely considered a problem-solver in terms of energy," Herculano-Houzel said, "but in retrospect, it is clear that meat eating animals must impose a delicate balance between how much brain and body a species can afford." This may be why you often see large predators like lions and bears dozing.

- 46 Which of the following phrases is closest in meaning to the word "species"?
- (A) Various food. (B) Various eaters. (C) Various animals. (D) Various brain power.
- 47 What is the main idea of this passage?
- (A) The ratio of the brain size relative to the body size of an animal is a good measure of intelligence.
 (B) The number of neurons is an absolute measure of an animal's intelligence, be it a plant eater or a meat eater.
 (C) The number of neurons reveals that plant eaters are generally smarter than meat eaters.
 (D) The ratio of the number of neurons relative to the size of an animal's body can indicate how smart the animal is.
- 48 According to the latest study, which of the following statements is true?
- (A) Dogs are much smarter than most meat eaters, including cats.
 (B) Cats have more neurons in their brain than other meat eaters, including dogs.
 (C) The number of a cat's neurons can double that of a dog's, and that makes cats better pets for humans.
 (D) Dogs are quite intelligent and they have as many neurons as humans do.
- 49 According to the passage, why do plant eaters need to have strong brain power?
- (A) To find sufficient food to maintain their brain power.
 (B) To predict possible danger to prevent themselves from being eaten up.
 (C) To predict possible food sources to support their relatively larger body size.
 (D) To find safe places to rest to conserve their energy.
- 50 Which of the following statements can be inferred from this passage?
- (A) Cats are more intelligent than dogs.
 (B) Large size meat eating animals tend to sleep a lot.
 (C) Plant eating animals tend to have a larger brain size.
 (D) Dogs and cats are suggested to live on a vegetarian diet.