

法政瘋高點



LINE@生活圈

共榮共享・好試連結



司特/調特考前提示★LINE好友版考猜★

★刑事訴訟法：劉律(劉睿揚)

★犯罪學：陳逸飛(施馭昊)



8/7(一)

限時下載

@get5586

8/12~14考場限定

報名指定法律好課，加贈高點圖書禮券1,000元

司特/調特★線上解題講座★

行政法：8/24(四)

民法：8/25(五)

刑法：8/29(二)

刑訴：8/30(三)



嶺律 (陳熙哲)



龍律 (陳義龍)



劉律 (劉睿揚)

FB粉絲團

首播



高點線上
影音學習



【台北】台北市開封街一段2號8樓

02-2331-8268

【台南】台南市中西區中山路166-6號5樓

06-223-5868

【台中】台中市東區大智路36號2樓

04-2229-8699

【高雄】高雄市新興區中山一路308號8樓

07-235-8996

各分班立案核准



《法學知識與英文》

(包括中華民國憲法、法學緒論、英文)

- (A)1 依據憲法增修條文第 10 條第 4 項之規定，國家對於公營金融機構之管理，應本何項原則？
(A)企業經營化 (B)國際化 (C)最大利潤化 (D)全面自由化
- (C)2 依司法院釋字第 499 號解釋，下列敘述何者正確？
(A)為確修憲決定不受任何不當壓力影響，修憲應符合秘密原則
(B)修憲若未先得到人民公投之明確授權，不得從事修憲
(C)修憲雖為國民主權之展現，仍不可修改具本質重要性的憲法條文
(D)修憲應向所屬政黨負責，以貫徹政黨政治精神
- (D)3 關於秘密通訊自由之敘述，下列何者錯誤？
(A)旨在確保人民就通訊之有無、對象、時間、方式及內容等事項，不受國家及他人任意侵擾
(B)為憲法保障隱私權之具體態樣之一
(C)國家為確保國家安全及維護社會秩序所必要，於符合法定之實體及程序要件下，得對人民之秘密通訊為監察
(D)檢察官與司法警察機關，無須經法官審查，可同時負責通訊監察書之聲請與核發
- (D)4 依據釋憲實務見解，關於宗教結社自由，下列敘述何者錯誤？
(A)保障範圍包括寺廟組織內部結構
(B)保障範圍包括寺廟是否加入其他宗教團體成為團體會員
(C)保障範圍包括寺廟財產之管理、處分
(D)未經合法設立登記之宗教團體不受憲法宗教結社自由之保障
- (A)5 禁止恣意之差別待遇為下列何種基本權之內涵？
(A)平等權 (B)工作權 (C)言論自由 (D)人身自由
- (C)6 下列何者屬於憲法第 16 條訴訟權之保障範圍？
(A)擔任民、刑事訴訟或行政訴訟之證人
(B)擔任民、刑事訴訟或行政訴訟之鑑定人
(C)公務員根據公務員懲戒法規定，提起再審之訴
(D)監察院將彈劾案連同證據，移送懲戒法院審理
- (C)7 依司法院大法官解釋，下列何者規定係屬違反平等權？
(A)兵役法規定「中華民國男子依法皆有服兵役之義務」，而女子則無此義務
(B)菸害防制法規定「限制菸品業者以公司名義顯名贊助任何形式之活動」，而「酒類產品」無此限制
(C)社會秩序維護法有規定就「意圖得利與人姦、宿者」為相關處罰，即僅處罰意圖得利之一方，而不處罰支付對價之相對人
(D)警察大學招生簡章規定「以有無色盲」作為能否取得入學資格的條件，使色盲者無法通過入學考試
- (B)8 下列何者不是司法院大法官解釋已承認為憲法第 22 條所保障之自由或權利？
(A)健康權 (B)環境權 (C)婚姻自由 (D)契約自由
- (D)9 下列何者不是僅限於中華民國國民才能享有的基本權利？
(A)選舉、罷免、創制及複決之權 (B)受國民教育之權利
(C)服公職權 (D)訴訟權
- (D)10 依司法院釋字第 419 號解釋，下列敘述何者錯誤？
(A)行政院院長於新任總統就職時提出總辭，並非其憲法上之義務
(B)總統無須向立法院負責

- (C)總統對行政院院長非憲法上義務之辭職應如何處理，乃總統之裁量權限
(D)立法院決議要求總統為一定行為或不為一定行為，總統應受拘束
- (D)11 下列何者係依據司法院大法官解釋而得向立法院提出法律案？
(A)考試院 (B)立法委員 (C)行政院 (D)司法院
- (B)12 有關監察院院長之職權，下列敘述何者錯誤？
(A)參與總統院際協商 (B)赴立法院備詢
(C)綜理院務監督所屬機關 (D)主持監察院會議
- (B)13 依憲法訴訟法規定，下列何者不屬於憲法法庭得審查之標的？
(A)政黨違憲之解散
(B)地方自治法規與上級自治團體自治條例有無牴觸發生疑義
(C)自治事項有無違背中央法規發生疑義
(D)院與院間權限爭議
- (D)14 依司法院大法官解釋，最高司法行政機關得本於其司法行政監督權而發布相關命令，下列敘述何者錯誤？
(A)不得違反審判獨立
(B)不得牴觸法律
(C)需有法律具體明確授權，才可對人民權利有所限制
(D)若有涉及審判上之法律見解，法院應受其拘束
- (A)15 原屬國家或其他上級地方自治團體本身的行政事務，委由地方自治團體執行，其法律性質為何？
(A)委辦事項 (B)委任事項 (C)委託事項 (D)行政委託
- (C)16 法是人類共同生活中，為形成秩序、解決紛爭、實現自由之規範。下列敘述中，何者屬於符合此定義的規範？
(A)為了考上國考，自己規定每天 6 點起床唸書，要唸滿 10 小時，若沒做到就不能休息
(B)朋友結婚請喜宴時，要包禮金
(C)交通警察以手勢指揮車輛行駛的順序或方式
(D)伊斯蘭教中不吃豬肉的戒律
- (A)17 下列關於強行法與任意法的敘述，何者錯誤？
(A)法律行為違反強行法規定時，該法律行為一概無效
(B)強行法又可再區分為強制規定及禁止規定
(C)任意法又可再區分為補充規定及解釋規定
(D)強行法與任意法的區分標準，在於是否容許基於當事人之自由意思，決定該法律應否加以適用
- (B)18 下列有關「準用」的敘述，何者錯誤？
(A)準用是以法條明文規定的類推適用 (B)準用只適用於法律原因，不適用於法律效果
(C)「比照」其意同於「準用」 (D)「亦同」其意同於「準用」
- (C)19 下列何者不是行政法上比例原則之內涵？
(A)手段應有助於公益目的之達成 (B)應選擇對人民侵害最小之手段
(C)手段應符合信賴利益之保護 (D)手段對人民之侵害不得與公益目的顯失均衡
- (D)20 下列關於「刑之加減」之敘述，何者正確？
(A)無期徒刑加重者，為死刑 (B)死刑減輕者，為不得假釋之無期徒刑
(C)有期徒刑加重者，僅加重其最高度 (D)拘役加重者，僅加重其最高度
- (D)21 監所管理員甲因為疏忽，將鑰匙遺落於地上，羈押中的被告乙撿到鑰匙後，以該鑰匙打開大門逃之夭夭。
甲有何刑責？
(A)甲不構成犯罪
(B)甲構成刑法第 161 條第 1 項的脫逃罪
(C)甲構成刑法第 162 條第 1 項的縱放或便利脫逃罪
(D)甲構成刑法第 163 條第 2 項的公務員過失縱放或便利脫逃罪
- (B)22 依勞動基準法第 84 條之 1 規定，於特定之情況下，勞工之工作條件得約定有一定之彈性放寬。下列敘述何者正確？

- (A)不待主管機關公告，任何勞工都可以直接透過勞資合意，成為適用勞基法第 84 條之 1 之對象
 (B)勞動條件放寬之約定，必須以書面為之，並且不能有損勞工健康福祉
 (C)雇主可以任意指定企業內特定職位之勞工，成為適用第 84 條之 1 工時彈性的責任制勞工
 (D)適用第 84 條之 1 的勞工，只要有勞資雙方合意，不必送到主管機關核備
- (B)23 下列何者非行政院所轄相當二級機關之獨立機關？
 (A)中央選舉委員會 (B)中央銀行 (C)公平交易委員會 (D)國家通訊傳播委員會
- (B)24 歌手甲於演唱會上演唱由乙填詞、丙作曲的一首歌曲，經丁公司將甲的現場表演錄製為唱片（以下簡稱為「A 唱片」），並對外發售。有關著作權之敘述，下列何者錯誤？
 (A)甲在演唱會上的表演，為一獨立之著作而受著作權法保護
 (B)丁公司於錄製 A 唱片前，僅須取得甲之同意，毋庸取得乙、丙之同意
 (C)丁公司錄製之 A 唱片為錄音著作，其著作財產權存續至著作公開發表後五十年
 (D)戊在臺北車站某唱片行購入一張丁所發售的 A 唱片，嗣後得自由轉售給其他人，毋庸取得甲、乙、丙、丁之同意
- (A)25 依據性別工作平等法，下列敘述何者正確？
 (A)性別工作平等法於雇主依勞動基準法所招生之技術生，亦有適用
 (B)性別工作平等法僅適用於一般私人企業，教育人員及軍職人員均不適用
 (C)雇主與受僱者之約定若與性別工作平等法之規定有不同時，一律適用性別工作平等法
 (D)公私立高中修習校外實習課程之實習生，若於實習期間遭受性騷擾，無性別工作平等法之適用
- (D)26 依憲法訴訟法規定，關於法庭之友制度，下列敘述何者錯誤？
 (A)當事人及關係人以外之人民、機關或團體均得擔任法庭之友
 (B)法庭之友得提出具參考價值之專業意見
 (C)法庭之友應以書面敘明其與審理案件之關聯性，聲請憲法法庭許可
 (D)經憲法法庭裁定許可，法庭之友得自行提出具參考價值之資料，無須委任代理人為之
- (D)27 依憲法訴訟法規定，關於聲請之撤回，下列敘述何者錯誤？
 (A)於裁判宣示或公告前得撤回聲請之全部或一部
 (B)聲請案件於憲法上具原則重要性者，憲法法庭得不准許撤回
 (C)聲請之撤回應以書面為之
 (D)案件經撤回者，聲請人得在聲請不變期間內，更行聲請
- (C)28 依民法之規定，下列關於瑕疵擔保責任之敘述，何者錯誤？
 (A)出賣人應擔保第三人就買賣之標的物，對於買受人不得主張任何權利
 (B)債權之出賣人，原則上對於債務人之支付能力，不負擔保責任
 (C)買受人於契約成立時，知有權利之瑕疵者，原則上出賣人應負擔保之責
 (D)出賣人應擔保其物無滅失或減少其預定效用之瑕疵
- (B)29 關於先占，下列敘述何者錯誤？
 (A)須以所有之意思而占有 (B)標的得為動產或不動產
 (C)限制行為能力人得為先占 (D)無主之動產先占人取得無主動產之所有權
- (B)30 甲、乙為夫妻，婚後育有子女丙、丁二人。甲因生病死亡，遺留有遺產新臺幣 120 萬元。依法定應繼分分配遺產，下列敘述何者正確？
 (A)乙分 60 萬元、丙分 30 萬元、丁分 30 萬元 (B)乙、丙、丁各分 40 萬元
 (C)乙分 80 萬元、丙、丁各分 20 萬元 (D)乙分 60 萬元、丙分 40 萬元、丁分 20 萬元
- (B)31 It was _____ that very day even though we had the fan rattling behind us.
 (A) rollicking (B) stifling (C) rummaging (D) rumbling
- (B)32 If your skin type is _____ oily, the pores around the T-zone would produce the most oil and tend toward blackhead formation.
 (A) prehistorically (B) predominantly (C) predictably (D) preeminently
- (A)33 The news of the forest fire filled them with _____ because they had just had a good vacation there.
 (A) dismay (B) relief (C) turbulence (D) lucidity
- (C)34 After their general had been captivated, the enemy troops were forced to _____ after months of intense fighting.
 (A) survive (B) weather (C) surrender (D) withstand

- (C)35 Many successful leaders believe that a _____ approach should be taken in order to solve complex problems, with feasible solutions often being preferred over more idealistic ones.
(A) resilient (B) resistant (C) pragmatic (D) precarious
- (C)36 The thriller movie had the audience on the _____ of their seats, who eagerly anticipated the next twist and turn in the plot.
(A) ledge (B) surface (C) edge (D) corner
- (C)37 We were told about the meeting just one day before. Our report was prepared in such a _____ and contained several mistakes.
(A) stupor (B) privilege (C) haste (D) torment
- (D)38 Instead of treating you like an expert, some caring and sympathetic doctors would give you more _____ explanations.
(A) ambiguous (B) furious (C) portable (D) comprehensible
- (D)39 Autumn for Max is a _____ season and it easily brings about his deeper feelings and thoughts of just about anything.
(A) compulsory (B) legitimate (C) negligible (D) sentimental
- (D)40 In Japan, combined junior high and senior high schools are mostly _____, but the number of public ones is increasing.
(A) collective (B) communal (C) shared (D) private
- (C)41 Patricia's recent behaviors have become so _____ that nobody can really understand what she is doing.
(A) integral (B) lavish (C) obscure (D) relevant
- (B)42 I enjoy going to see musicals at the theater because the live performances and music are very _____ to me.
(A) captious (B) captivating (C) precarious (D) preventive
- (D)43 Uncle Jones is always a bit _____; therefore, his relatives and acquaintances keep him at a great distance.
(A) proficient (B) elastic (C) decent (D) eccentric
- (B)44 We can see many coral reefs occur in shallow water where the sun provides _____ energy for them to grow rapidly.
(A) lucrative (B) abundant (C) exuberant (D) modest
- (B)45 The retired aircraft will be _____ and some of its parts can be reused in other airplanes.
(A) detoured (B) dismantled (C) diminished (D) descended

請依下文回答第 46 題至第 50 題：

When he moved from South Africa to New York City, Norman Rosenthal, a psychiatrist, noticed he felt more depressed during the cold, short days of the city's winters than he had in his home country. Years later, he published the first paper to scientifically name the winter blues: Seasonal Affective Disorder (SAD). Subsequent studies have found that the seasonal depression affects those in northern latitudes more and that about 10 percent of SAD sufferers have symptoms in the summertime instead.

The most commonly reported symptoms of winter depression are hypersomnia, the desire to sleep more than usual, as well as an increased appetite and lack of interest in things. According to experts, most people experience symptoms in young adulthood, but SAD can begin at any stage of life. The condition also varies by sex. About three times as many women as men get SAD.

But why does less daylight make some people clinically depressed? One leading theory is that the change in daylight disrupts our bodies' release of melatonin, a hormone the brain releases every night to promote sleep. As the supply of daylight dwindles in winter, melatonin may wear off later. That means in the morning the body is still in a state of biological night. As for summer SAD, triggers might include the heat and humidity. Instead of feeling lethargic, summer SAD patients more often feel irritable and agitated.

Experts say a professional diagnosis is a crucial first step toward treatment and self-diagnosis is not suggested. One common treatment is sitting in front of a bright box of light for 30 minutes to signal to the body that it's time to wake up. But the drawback to light boxes is that they only work on the day that you use them, so you need to use them daily. Another treatment that may have longer lasting benefits is Cognitive Behavioral Therapy (CBT), a form of talk therapy. As negative thinking tends to breed negative emotions, CBT aims to encourage more neutral thoughts. For example, "I

hate winter” might be reframed as “winter isn’t my favorite season, but I still find things to enjoy.” Moreover, finding wintertime hobbies may also help. People with SAD often have hobbies that are summer specific, such as growing gardens or beach going. Instead of hibernating under a blanket, people are encouraged to find indoor hobbies, such as knitting, reading, or going to the gym, to boost their mood. Whether using light or talk therapy, there is no reason to not seek mental health treatment, even if symptoms are only present for a few months out of the year.

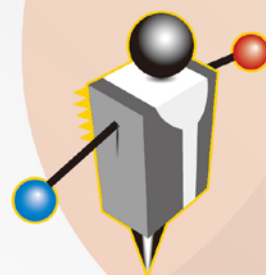
- (B)46 According to the passage, what prompted Norman Rosenthal to study seasonal depression?
(A) His patients’ symptoms. (B) His personal experiences.
(C) Problems of previous studies. (D) Rising cases of New York City adults.
- (C)47 According to the passage, what has to be done before receiving SAD treatments?
(A) Getting a good light box. (B) Talking to family or friends.
(C) Seeking a professional diagnosis. (D) Comparing the effects of different treatments.
- (B)48 According to the passage, which of the following is NOT helpful in treating SAD?
(A) Using light boxes daily. (B) Being indoors and resting in winter.
(C) Regulating the production of melatonin. (D) Changing the way people think.
- (C)49 Which of the following is closest in meaning to the word “lethargic” in the passage?
(A) Guarded. (B) Furious. (C) Inactive. (D) Superior.
- (B)50 According to the passage, which of the following statements is true?
(A) SAD affects men more than women.
(B) Summer SAD is less common than winter SAD.
(C) Winter depression is often triggered by humidity.
(D) Sufferers of winter depression are likely to lose appetite.

【高點法律專班】

版權所有，重製必究！

司法特考 · 調查局特考

高點考季友賞



8/31前，憑司特、調特准考證享全年最優惠

8/12~14報名113面授/VOD課程>加贈高點圖書禮券1,000元

★司法特考四等

類別	面授/VOD專業全修	雲端全修年度班
法警/執達員/執行員	特價 22,000 元	特價 35,000 元
法院書記官	特價 28,000 元	特價 38,000 元
監所管理員	特價 23,000 元	特價 32,000 元

★司法特考三等

- 面授/VOD：特價 **32,000**元起
- 雲端：特價 **44,000**元起

★調查局特考三等

- 面授/VOD：特價 **38,000**元起
- 雲端：特價 **46,000**元起

★差異科目/弱科加強 (限面/VOD)

- 監所管理員全修+警察法規概要：特價 **36,000**元
- 四等書記官+公務員法概要：特價 **40,000**元
- 法警+公務員法概要：特價 **35,000**元
- 四等小資：特價 **16,000**元起

★實力進階

類別	面授/VOD	雲端
申論寫作班	單科特價 3,000 元起	單科 7 折起
矯正三合一題庫班	特價 4,000 元	單科 7 折起
犯罪學題庫班	特價 1,700 元	單科 8 折起
四等狂作題班	限面授 全修 15,000 元、單科 5,000 元	

※諮詢&報名詳洽【法政瘋高點】LINE 生活圈(ID: @get5586)
 ※報名全修考生若當年度考取相同等級類科，二週內可回班辦理退費



《法學知識與英文》

(包括中華民國憲法、法學緒論、英文)

- (C)1 依憲法之規定，下列何者為判斷人民是否為中華民國國民之標準？
(A)種族 (B)戶籍 (C)國籍 (D)國家認同
- (D)2 下列有關基本國策中社會安全的敘述，何者正確？
(A)國家對於具工作能力者，應予適當工作機會，故人民有向國家請求提供工作機會的權利
(B)社會補償制度，指的是對於經濟能力較差者，對於其所受的社會經濟待遇給予補償
(C)基本國策規定國家應該制定保護勞工法律，但保護勞工之內容與方法，立法者有形成自由而不受拘束
(D)國家為謀社會福利，應實施社會保險制度
- (C)3 SARS 期間有醫師未依規定回到院區集中強制隔離而遭裁罰，依據為當時傳染病防治法第 37 條第 1 項：「曾與傳染病病人接觸或疑似被傳染者，得由該管主管機關予以留驗；必要時，得令遷入指定之處所檢查，或施行預防接種等必要之處置。」大法官就此作成釋字第 690 號解釋，關於此解釋之內容，下列敘述何者正確？
(A)「必要之處置」違反法律明確性原則
(B)強制隔離係為保護人民生命與身體健康，性質上與刑事逮捕拘禁不同，不適用憲法第 8 條
(C)強制隔離雖剝奪人身自由，但係為保護重大公益目的所採取的合理必要手段
(D)強制隔離對人身自由影響重大，須經中立、公正之法院加以審查，方得實施
- (C)4 依司法院大法官解釋之意旨，下列敘述何者錯誤？
(A)祭祀公業條例維護傳統規約依循傳統宗族觀念以男系子孫（含養子）為派下員之約定，使女子不得為派下員，尚不違反性別平等
(B)民法未容許相同性別二人結婚，違反平等保護
(C)民法規定父母對於未成年子女權利之行使意思不一致時，由父行使，並不違反性別平等
(D)道路交通管理處罰條例禁止曾犯特定罪名者擔任計程車駕駛，其目的在保障乘客之人身安全，尚屬合憲
- (A)5 依司法院釋字第 749 號解釋意旨，對於乘客之安全有何風險時，國家始可廢止計程車執業登記？
(A)實質風險 (B)特別風險 (C)一般風險 (D)剩餘風險
- (D)6 依憲法增修條文之規定，下列關於覆議之敘述，何者正確？
(A)立法院必須在一定期間內議決，逾期未議決時，原決議有效
(B)覆議時，經全體立法委員二分之一以上維持原案，行政院院長應即接受該決議或辭職
(C)行政院得不經總統之核可，移請立法院覆議
(D)行政院得對於立法院決議之法律案、預算案、條約案提出覆議
- (A)7 關於立法權之敘述，下列何者錯誤？
(A)立法院制定公民投票法，使立法院自身得就重大政策之爭議，交由中央選舉委員會辦理公民投票，牴觸權力分立原則
(B)立法院基於民主正當性之立法責任，得制定或修正法律，乃立法形成之範圍及其固有權限
(C)民意代表行使選民賦予之職權須遵守與選民約定，任期屆滿，除有不能改選之正當理由外應即改選
(D)立法委員在開會時，有向行政院院長及行政院各部會首長質詢之權
- (A)8 依憲法增修條文規定，立法委員 35 人，未達下列何者之提案門檻？
(A)提議總統彈劾案 (B)提議憲法修正案 (C)提議總統罷免案 (D)提議領土變更案
- (B)9 下列何者非屬憲法規定的選舉方法？
(A)普通選舉 (B)間接選舉 (C)平等選舉 (D)無記名投票
- (D)10 依司法院大法官解釋，下列何種基本權利受憲法第 22 條之保障？
(A)學術自由 (B)營業自由 (C)財產權 (D)性行為自由

- (A)11 依憲法及增修條文規定，總統之權限不包括下列何者？
 (A)主持行政院會議 (B)依法任免文武官員
 (C)國家安全大政方針決定權 (D)發布緊急命令
- (D)12 有關地方自治團體居民之權利，下列敘述何者正確？
 (A)對於地方公職人員有依法創制之權 (B)對於地方公職人員有依法複決之權
 (C)對於地方自治事項有依法選舉之權 (D)對於地方自治事項有依法創制之權
- (A)13 關於各級法院所設之庭長，下列敘述何者錯誤？
 (A)庭長係為統一訴訟指揮程序所設之機制
 (B)身分獨立性之保障對象不及於庭長
 (C)令免兼庭長之人事行政行為對法官之俸給無不利影響
 (D)關於庭長之遴選與任免，宜以法律定之
- (D)14 依憲法及增修條文規定，下列何者並非司法院大法官之職權？
 (A)解釋憲法 (B)政黨違憲審查權
 (C)審理總統、副總統彈劾案 (D)統一解釋最高法院各庭之歧異見解
- (C)15 依憲法增修條文規定及司法院大法官解釋意旨，有關總統緊急命令權之敘述，下列何者正確？
 (A)緊急命令因具有暫時替代或變更法律之效力，原則上可具體、明確授權執行機關訂定補充規定
 (B)總統僅得於立法院休會時發布緊急命令
 (C)緊急命令之發布，不受憲法第 23 條法律保留原則之限制，惟仍應遵守比例原則
 (D)立法院就緊急命令行使追認權時，如認部分內容不當，得為部分追認，或逕予變更其內容
- (D)16 下列有關「法律的制裁」之敘述，何者錯誤？
 (A)法律的效果不限於制裁，但是制裁卻是相當重要的法律效果
 (B)現代國家透過法律所要達成的政策目標種類日益增加，法律所規定的制裁種類亦越發紛雜多樣
 (C)當國家課以制裁時，通常是以實施強制力的方式為之
 (D)監護宣告，屬於民法上的制裁
- (B)17 下列何部法律之條文未曾遭司法院大法官宣告違憲？
 (A)集會遊行法 (B)出版法 (C)違警罰法 (D)檢肅流氓條例
- (D)18 99 年 8 月 4 日修正之公務人員退休法，增訂公務人員之婚姻關係於公務人員退休生效時已存續 2 年以上，退休公務人員死亡後，其配偶始得起領月撫慰金，並自 100 年 1 月 1 日起施行。公務人員甲於民國 87 年與乙結婚，婚後 1 年多，甲即退休。後甲於 100 年 3 月死亡。關於本案之法律適用，下列敘述何者正確？
 (A)依中央法規標準法所規定之從新從優原則，應適用結婚時之舊法
 (B)依後法優先於前法之原則，應適用修正後之新法
 (C)依法律不溯及既往原則，應適用結婚時之舊法
 (D)依不真正溯及既往原則，應適用修正後之新法
- (C)19 依司法院大法官解釋，大法官於審查法律合憲性遇有立法程序之瑕疵時，應如何審查，下列敘述何者正確？
 (A)法律既已公布生效，大法官不得介入審查
 (B)大法官調查事實不受限制，一經發現有立法程序瑕疵時，即得宣告其為無效
 (C)立法程序之瑕疵基於議事自律，立法院應自行認定並解決，但若有明顯重大瑕疵者，釋憲機關仍得宣告其為無效
 (D)大法官僅得形式審查總統之公布與行政院院長之副署是否正確無誤
- (A)20 下列法律條文，何者非法律的擬制？
 (A)二人以上同時遇難，不能證明其死亡之先後時，推定其為同時死亡
 (B)電能、熱能及其他能量，關於本章之罪，以動產論
 (C)胎兒以將來非死產者為限，關於其個人利益之保護，視為既已出生
 (D)因條件成就而受利益之當事人，如以不正當行為促其條件之成就者，視為條件不成就
- (D)21 關於法律保留原則，下列敘述何者錯誤？
 (A)並非所有政府行為均須法律保留
 (B)並非一切自由權利均受憲法同等保障
 (C)並非所有對人民權利之限制均須由法律規定
 (D)法律授權主管機關訂定命令時，授權明確之程度必須完全一致

- (A)22 主管機關於裁量外國人申請歸化案件時，以國籍法所無之要件，認該外國人之本國與中華民國非友好國家而拒絕其歸化。此舉最可能構成下列何者？
(A)裁量濫用 (B)裁量萎縮至零 (C)計畫裁量 (D)行政保留
- (C)23 稅捐稽徵法與行政程序法均有關於「送達」之規定，則就稅捐文書之送達，此二部法律之適用關係如何？
(A)稅捐稽徵法屬特別法，依特別法優於普通法原則，應僅適用稅捐稽徵法
(B)行政程序法雖屬普通法，但其中關於送達之規定較為完整，應僅適用行政程序法
(C)稅捐稽徵法作為特別法而優先適用，於規範不足時補充適用行政程序法
(D)由行政機關視具體個案而決定應適用何法律
- (A)24 關於我國股份有限公司之規定，下列敘述何者正確？
(A)公司得依章程規定不設董事會，置董事 1 人或 2 人
(B)非公開發行公司，不得採用董事候選人提名制度
(C)公開發行公司就董事選舉，可選擇不採用累積投票制
(D)公司股東會不得在董事任期中，無正當理由而決議解任董事
- (B)25 關於勞工保險月投保薪資之敘述，下列何者正確？
(A)直接以被保險人之實際薪資數額作為投保薪資數額，向保險人申報
(B)按被保險人之月薪資總額，依投保薪資分級表之規定，向保險人申報投保薪資
(C)每月收入不固定者之投保薪資月薪資總額，以最近 6 個月收入之平均為準
(D)申報新進員工加保，其月薪資總額尚未確定者，可暫不申報
- (D)26 債務人甲恐債權人乙查封其財產，甲乃與丙偽作買賣，將財產讓與丙。下列敘述何者正確？
(A)甲丙間之債權行為有效，物權行為無效 (B)甲丙間之債權行為與物權行為效力未定
(C)甲丙間之債權行為無效，物權行為有效 (D)甲丙間之債權行為和物權行為均無效
- (D)27 甲、乙夫妻的 18 歲獨生子丙，就讀高中三年級，於放學途中毆打路人丁，致丁右手指骨折。依民法規定，下列敘述何者錯誤？
(A)丁得對丙請求全部賠償 (B)丁得請求財產上損害賠償
(C)丁得請求非財產上損害賠償 (D)丁對甲僅得請求三分之一的損害賠償
- (B)28 依民法之規定，下列有關共有關係之敘述，何者正確？
(A)首期合會金，為會首與全體合會會員共同共有
(B)繼承人有數人時，在分割遺產前，各繼承人對於遺產全部為共同共有
(C)夫妻之財產及所得，合併為共同財產時，為夫妻分別共有之
(D)合夥人之出資與合夥之財產，各合夥人就出資之比例分別共有之
- (A)29 甲在某大學研究所考試中，事先竊取試題應考，使原本可能名落孫山的自己金榜題名。下列敘述何者正確？
(A)甲的行為不構成刑法第 137 條的妨害考試罪，因為研究所入學考試非屬依考試法所舉行之考試
(B)甲的行為構成刑法第 137 條的妨害考試罪，因為竊取試題屬詐術或非法之方法
(C)甲的行為不構成刑法第 137 條的妨害考試罪，因為其行為不必然使考試發生不正確之結果
(D)甲的行為構成刑法第 137 條的妨害考試罪，因為其行為已經使考試發生不正確之結果
- (B)30 依家庭暴力防治法之規定，有關民事保護令，下列敘述何者錯誤？
(A)保護令之聲請，原則上應以書面為之
(B)被害人得向法院聲請通常保護令、暫時保護令與緊急保護令
(C)法院於受理民事保護令之聲請後，得於審理終結前聽取社會福利機構之意見
(D)當被害人有受急迫危險時，檢察官或警察機關得以電信傳真之方式聲請緊急保護令
- (B)31 To make the contract more complete, the hockey star a clause that would guarantee him 50% of his salary if an injury ended his career.
(A) renounced (B) inserted (C) represented (D) structured
- (D)32 The police themselves as tourists, secretly videotaping visitors as they moved round the exhibition site.
(A) consigned (B) harmonized (C) moderated (D) disguised
- (B)33 New satellite images of Antarctica just revealed a number of Emperor penguin colonies that scientists were not of in their early research.
(A) anxious (B) aware (C) afraid (D) acquired

- (D)34 In a democratic country, everyone is to the freedom of speech and expression. This right is protected by the law.
(A) empowered (B) enabled (C) endowed (D) entitled
- (B)35 After his heart attack, the doctor put him on a strict , and regular appointments are scheduled for further checkups.
(A) decency (B) regimen (C) casualty (D) shipwreck
- (B)36 When celebrating a new year, we often wish others happiness, , and good health.
(A) resistance (B) prosperity (C) temptation (D) succession
- (A)37 One benefit of working past the normal retirement age is the ability to current standard of living by increasing lifetime income.
(A) maintain (B) mandate (C) manifest (D) manufacture
- (A)38 Sadly, their recent, truncated live shows bore no evidence of new material with which to their success.
(A) sustain (B) suppress (C) suspect (D) suspend
- (A)39 Patrick is such a good-natured person; he practices faithfully and is always more than ready to help needy people.
(A) altruism (B) cynicism (C) euphemism (D) metabolism
- (A)40 At the roots of my hair a sensation began and ran down the surface of my flesh, leaving me goosefleshed and cold.
(A) tingling (B) tempering (C) twittering (D) twinkling

請依下文回答第 41 題至第 45 題

With the advent of freezers, we' re able to preserve our food longer than before. But is there a difference between fresh and frozen produce 41 nutrition? Well, it highly depends on the circumstances. Most food you take off the shelf in a grocery store 42 under-ripe to avoid damage during travel time. This means it hasn' t yet reached its peak nutrition. Furthermore, the minute it is picked, its nutritional content begins to 43 . When it finally appears on your dinner table days later, the food may lose up to 50 percent of its nutritional value. Frozen foods, 44 , are picked when they' re ripe and frozen immediately. 45 the quick freeze process may affect some of the vitamin content, it essentially locks most of the nutrients in place. Compared with the fresh produce that has been sitting around for days, there' s no doubt that frozen foods contain more nutrition.

- (B)41 (A) instead of (B) in terms of (C) in place of (D) in spite of
- (D)42 (A) was harvesting (B) has harvested (C) had harvested (D) has been harvested
- (D)43 (A) descend (B) deflate (C) deprive (D) deteriorate
- (C)44 (A) in the meantime (B) in some respects (C) on the other hand (D) for the time being
- (A)45 (A) Although (B) Despite (C) However (D) Nonetheless

請依下文回答第 46 題至第 50 題

At the beginning of the 20th century, less than 1,000 colleges with 160,000 students existed in the US. The number of colleges skyrocketed in waves, during the early and mid 20th century. State universities grew from small institutions of fewer than 1,000 students to campuses with 40,000 more students, with networks of regional campuses around the state. In turn, regional campuses broke away and became separate universities.

To handle the explosive growth of K - 12 education, every state set up a network of teachers' colleges, beginning with Massachusetts in the 1830s. After 1950, they became state colleges and then state universities with a broad curriculum. Major new trends included the development of the junior colleges. They were usually set up by city school systems starting in the 1920s. By the 1960s they were renamed as "community colleges."

Junior colleges grew from 20 in number in 1909, to 170 in 1919. By 1922, 37 states had set up 70 junior colleges, enrolling about 150 students each. Meanwhile, another 137 were privately operated, with about 60 students each. Rapid expansion continued in the 1920s, with 440 junior colleges in 1930 enrolling about 70,000 students. The peak year for private institutions came in 1949, when there were 322 junior colleges in all; 180 were affiliated with churches, 108 were independent and non-profit, and 34 were private schools being run for-profit.

Many factors contributed to rapid growth of community colleges. Students parents and businessmen wanted nearby, low-cost schools to provide training for the growing white-collar labor force, as well as for more advanced technical jobs in the blue-collar sphere. Four-year colleges were also growing, albeit not as fast; however, many of them were located in rural or small-town areas away from the fast-growing metropolis. Community colleges continue as open-enrollment, low-cost institutions with a strong component of vocational education, as well as a low-cost preparation for transfer students into four-year schools. They appeal to a poorer, older, less prepared element.

- (D)46 Which of the following statements is TRUE, according to the text above?

- (A) At the beginning, there were less than 1,000 colleges with 160,000 students existing in the US.
- (B) In the 1830s, state colleges and universities were set up to train teachers for the explosive growth of K - 12 education.
- (C) Junior colleges were usually set up by city school systems starting in the 1930s.
- (D) Community colleges were renamed from junior colleges as low-cost institutions with a strong component of vocational education.
- (B)47 Which of the following statements is true to the description about junior colleges?
- (A) Junior colleges grew from 1919 students to 70,000 in 1930.
- (B) In 1949, there were 180 private junior colleges affiliated with churches.
- (C) The rapid growth of community colleges is due to the demand for more non-profit independent institutions.
- (D) Teachers' colleges are the community name for junior colleges.
- (D)48 Which is one of the factors that contributed to the rapid growth of community colleges in the United States?
- (A) It is a major new trend to include as many rural students as possible.
- (B) The purpose is to handle the explosive growth of K - 12 education.
- (C) Parents and businessmen wanted nearby, low-cost schools in rural or small-town areas to provide training or the growing white-collar labor force.
- (D) Many community colleges were located in the center of the fast-growing metropolis to provide more advanced technical jobs in the blue-collar sphere.
- (B)49 Which of the following statistics is TRUE?
- (A) Before 1919, there were already more than 170 junior colleges.
- (B) In the 1920s, there were about 140 privately-operated junior colleges.
- (C) In 1949, there were totally 180 junior colleges with 108 independent non-profit.
- (D) The peak year for private community college expansion came at the year of 1922.
- (C)50 Which of the following statements is TRUE, according to the text above?
- (A) Community colleges enrollment is vocationally limited.
- (B) Four-year college growth was affected by the open-enrollment policy of junior colleges.
- (C) Community colleges provide low-cost preparation for transfer students into four-year institutions.
- (D) Community colleges continue to appeal to young, less prepared students.

【高點法律專班】

版權所有，重製必究！

《法學知識與英文》

- (A) 1 A報紙報導公務員甲涉嫌違法收受賄賂，甲認為該篇報導涉嫌誹謗，依法提出告訴。下列有關基本權利之敘述，何者正確？
 (A)本案涉及 A 報紙之新聞自由與甲之名譽權兩項基本權利之衝突
 (B)本案若以刑法誹謗罪之規定處罰 A 報紙之負責人，涉及基本權利第三人效力之問題
 (C)本案 A 報紙之報導係對於甲名譽權之限制
 (D)本案涉及甲之言論自由與名譽權兩項基本權利之競合
- (D) 2 依司法院大法官解釋意旨，下列何者無法律保留原則之適用？
 (A)全民健康保險醫事服務機構特約內容 (B)法官迴避制度
 (C)電子遊戲場營業場所之禁止設立排除區域 (D)公務人員彈性上下班制度
- (A) 3 依司法院大法官解釋，關於言論自由之保障，下列敘述何者正確？
 (A)低價值言論之事前審查，法院仍應從嚴審查其是否違憲
 (B)商業廣告不受言論自由保障
 (C)就言論自由的干預強度而言，事前審查必然低於觀點歧視之管制
 (D)含藥化妝品之廣告均不得事前審查
- (D) 4 關於國家責任，下列敘述何者錯誤？
 (A)憲法第24條規定人民得依法律向國家請求賠償為「憲法委託」
 (B)國家責任包括「國家賠償」及「損失補償」
 (C)司法院大法官認為，經治安機關逮捕以罪嫌不足逕行釋放前受羈押之人民，有權請求國家賠償
 (D)為追求公共利益，人民之財產權負有容忍特別犧牲之義務，國家不負損失補償責任
- (D) 5 依司法院大法官解釋意旨，下列何者不屬於營業自由之保障範圍？
 (A)緊鄰國民小學開設並經營電子遊戲場業
 (B)菸商拒絕於銷售之菸品上加註吸菸危害健康之警語
 (C)搬家公司拒絕僱用原住民身分之員工
 (D)藥師同時於兩家藥局常駐執業
- (A) 6 依憲法規定，制定法律應符合何種程序？
 (A)立法院通過、總統公布 (B)應經各政黨黨團協商
 (C)應經聽證程序，廣納各方意見 (D)立法委員不得自行提案，應經由業務主管機關向立法院提出
- (D) 7 依司法院大法官解釋之意旨，下列差別待遇，何者合憲？
 (A)為稽徵便利，以年齡作為分類標準，規定僅有扶養一定年齡之親屬始得減除免稅額
 (B)為維持警察養成教育制度，以警大或警官學校畢業或訓練合格為分類標準，作為任用與晉升警察職務之資格
 (C)為維護租稅公平及確保公庫收入，對故意致公司逃漏稅捐之公司負責人一律處徒刑，而對其他受處罰對象得處有期徒刑、拘役或罰金
 (D)為維護一夫一妻婚姻制度，僅限配偶間財產權之移轉免徵贈與稅，其他未婚異性伴侶則無從免徵
- (A) 8 依司法院大法官解釋，關於隱私權，下列敘述何者錯誤？
 (A)女性有決定是否終止懷孕之權利 (B)隱私權受憲法第22條之保障
 (C)資訊隱私權亦屬隱私權之保障範圍 (D)強制請領國民身分證必須按捺指紋，可能違反隱私權保護
- (C) 9 下列何者不屬於立法院國會自律權之行使？
 (A)訂定議事規則 (B)決議召開臨時會
 (C)決議將立法委員送交黨紀處分 (D)同意檢察機關於會期中逮捕立法委員
- (A) 10 下列有關彈劾權與糾舉權之敘述，何者正確？
 (A)二者均得對違法或失職之公務人員提出
 (B)彈劾之對象為中央公務人員；糾舉之對象為地方公務人員
 (C)二者均須由八位監察委員提案後，始得進行調查
 (D)彈劾之對象為除公務員外，尚包括民意代表

- (C) 11 依司法院大法官解釋，下列何者有赴立法院各委員會備詢之義務？
(A)大學教授 (B)檢察官 (C)參謀總長 (D)監察院院長
- (A) 12 憲法或憲法增修條文未明文規定下列何種人員應超出黨派以外，依據法律獨立行使職權？
(A)立法委員 (B)考試委員 (C)監察委員 (D)法官
- (B) 13 依現行規定及司法院大法官解釋意旨，下列有關司法院之敘述，何者正確？
(A)司法院僅為司法行政機關，不具有司法審判機關之性質
(B)現行制度下，司法院並非民刑事、行政訴訟之終審機關，與憲法第77條規定司法院為最高司法機關之意旨，不盡相符
(C)為維持審判獨立，司法院對於普通法院之審理程序，不得發布任何命令或規則
(D)司法院有向立法院提出法律案及預算案之權
- (A) 14 關於預算案與決算案之敘述，下列何者正確？
(A)立法院對於行政院所提之預算案，不得為增加支出之建議
(B)行政院主計總處應於會計年度終了後六個月，向立法院提出決算案審查報告
(C)考試院所提的考試概算，行政院不得刪減
(D)行政院於會計年度開始六個月前，應將下年度預算提出於立法院
- (C) 15 下列何者不符聲請司法院大法官解釋憲法之要件？
(A)總統於行使職權，適用憲法發生疑義時
(B)雲林縣政府發布之自治規則經主管機關函告無效後
(C)經濟部於行使職權時，認立法院通過之法律有牴觸憲法之疑義
(D)法官於審理非訟事件時，認為適用之法律有牴觸憲法之疑義
- (B) 16 有關美國法的特色，下列敘述何者錯誤？
(A)繼受了英國的普通法傳統，但也吸收了法國的啟蒙思想，主張更多的平等與自由
(B)除聯邦憲法或國會的法律已有規定的事項外，一切訴訟案件應以聯邦法優先
(C)法院有權於個案中判決某項法律違反憲法，是為「司法審查」制度
(D)擁有一部成文的聯邦憲法，且於增修條文中將人權保障入憲
- (B) 17 緊急命令是指國家遇有緊急事變，須為急速處分時所發布的命令，其效力與何者相當？
(A)憲法 (B)法律 (C)命令 (D)自治法規
- (C) 18 最高法院判決曾指出，雖病人屬消費者保護法所稱之消費者，但因醫療行為具特殊性，如適用消費者保護法之無過失責任，而導致醫生為避免被訴之風險，選擇消極之醫療行為，反而無法達成消費者保護法之立法目的，因此醫療行為不適用上述無過失責任。此為下列何種法律適用方法？
(A)類推適用 (B)目的性解釋 (C)目的性限縮 (D)目的性擴張
- (D) 19 依憲法訴訟法之規定，下列何者不得聲請憲法裁判？
(A)人民認為終審法院的確定裁判侵害其基本權利
(B)法官審判時，確信作為裁判依據之法律違憲
(C)臺北市府認為其職權上所應適用之中央法律違憲
(D)行政院就其職權行使而對某法律所表示之見解，與考試院就同一法律所表示之見解不同
- (A) 20 下列有關司法院院長之敘述，何者錯誤？
(A)司法院院長亦為大法官，同受大法官任期的保障
(B)司法院院長由總統提名，立法院同意後任命
(C)立法院開會時，司法院院長得列席陳述意見
(D)司法院院長為司法行政的最高首長
- (D) 21 下列有關立法委員選舉之敘述，何者錯誤？
(A)採行「單一選區兩票制」
(B)區域代表依人口比例分配名額，但每縣市至少一人
(C)政黨須在政黨選舉票中獲得百分之五以上的選票，方能分配席次
(D)各政黨之政黨比例代表席次，婦女名額不得低於三分之一
- (C) 22 依司法院釋字第756號解釋，監獄行刑法第66條規定：「發受書信，由監獄長官檢閱之。如認為有妨害監獄紀律之虞，受刑人發信者，得述明理由，令其刪除後再行發出；受刑人受信者，得述明理由，逕予刪除再行收受。」所涉及之基本權利是：

- (A)秘密通訊自由及財產權 (B)居住自由及言論自由
(C)秘密通訊自由及言論自由 (D)言論自由及人格權
- (D) 23 為有效管理街頭藝人及其相關活動，某市訂定街頭藝人從事藝文表演活動管理辦法，規定街頭藝人從事街頭藝文活動須有許可證，此與何種基本權利無涉？
(A)言論自由 (B)工作權 (C)財產權 (D)居住遷徙自由
- (C) 24 有關中央與地方法規效力的敘述，下列何者錯誤？
(A)自治條例與法律牴觸者，無效
(B)自治規則與法律牴觸者，無效
(C)基於法律授權之法規與自治條例牴觸者，無效
(D)自治規則與上級自治團體自治條例牴觸者，無效
- (D) 25 依現行民法規定，下列何者無須經登記即生法律效力？
(A)結婚 (B)婚後以其本姓冠以配偶之姓 (C)兩願離婚 (D)土地之繼承
- (B) 26 契約當事人約定以將來訂立一定契約為內容之契約，稱之為？
(A)本約 (B)預約 (C)從契約 (D)擬制要約
- (B) 27 甲允諾贈與其所有之名貴 A 跑車一部予乙，允諾3個月內將 A 車移轉交付給乙，該贈與契約並經公證人做成公證書。惟經5個月後，甲仍未交付之。下列敘述何者正確？
(A)贈與契約為無償契約，甲得隨時撤銷贈與契約，故乙不得請求交付 A 車
(B)贈與契約業經公證，乙得請求甲交付 A 車
(C)乙得向甲請求因遲延給付所生之遲延利息
(D)乙得向甲請求因遲延給付所生之損害賠償
- (C) 28 甲住臺北，欲前往高雄開會，遂請友人乙將其從臺北載送至高雄參加會議。途中甲叮囑乙開快一點，避免遲到，隨即在乘客座上打盹。乙因為搶快，於路途中不慎撞上他車駕駛丙，造成丙嚴重受傷。問丙得向何人請求損害賠償？
(A)丙僅得向甲主張侵權行為損害賠償
(B)丙僅得向乙主張侵權行為損害賠償
(C)丙得向甲、乙主張侵權行為，負連帶賠償責任
(D)丙得向甲、乙主張侵權行為，負不真正連帶賠償責任
- (C) 29 建商甲得知某市政府有一土地開發計劃，委託中間人乙帶著甲的計畫書去見負責開發案的副市長丙。丙開價500萬元，願意將甲的計畫書內容納入市政府的開發計劃。乙將丙的意思傳達給甲。甲遂請乙轉交500萬元給丙，同時付佣金100萬元給乙。下列敘述何者錯誤？
(A)丙構成公務員受賄罪 (B)乙構成行賄罪之共同正犯或幫助犯
(C)甲構成公務員受賄罪之共同正犯或幫助犯 (D)乙構成公務員受賄罪之共同正犯或幫助犯
- (B) 30 甲死亡後遺留土地一筆，有乙、丙二位繼承人，未辦理繼承登記。下列敘述何者正確？
(A)該土地為乙、丙分別共有
(B)移轉登記前，乙、丙即取得土地所有權，應經登記，始得處分
(C)若土地被無權占有，乙、丙須共同向無權占有人起訴請求返還
(D)乙、丙於繼承前在土地上有抵押權，該抵押權因繼承而受影響
- (B) 31 The government is considering the creation of a dedicated immigration law to manpower shortage in the country.
(A) tickle (B) tackle (C) trickle (D) twinkle
- (D) 32 Until they obtain citizenship through , immigrants may be denied full rights of citizenship precisely because they are not citizens.
(A) alienation (B) internalization (C) internationalization (D) naturalization
- (A) 33 New immigrants not only need to adjust to a new culture, they also, often, must with traumatic experiences from their past.
(A) come to terms (B) come in handy (C) catch up (D) team up
- (B) 34 The fact that Taiwan has a lower of investment for immigration, compared to other developed countries, makes the island country more appealing.
(A) reputation (B) threshold (C) benefit (D) respect

- (D) 35 An immigration officer needs advanced knowledge of the immigration laws and procedures to uncover potential complex fraud schemes that the integrity of the legal immigration system.
(A) expose (B) reinforce (C) defend (D) threaten
- (A) 36 The Kenyan government spends about US\$5 million in 2018 to foreigners working in the country illegally, a significant increase compared to the US\$3.6 million spent in the previous year.
(A) deport (B) consent (C) compensate (D) immigrate
- (C) 37 New luggage methods can identify liquid explosives and help track down the dangerous substances in the airport.
(A) acquisition (B) calculation (C) inspection (D) stagnation
- (D) 38 Some tourists intend to from one attraction to the next in order to make the most of the trip.
(A) drain (B) halt (C) recess (D) whisk
- (A) 39 With the recent increase in number of lone wolf terrorist attacks, governments around the world have been on high alert for social media outlets that may potentially radicalize .
(A) individuals (B) animals (C) peoples (D) humanitarians
- (A) 40 The task is , but he has risen to the challenge with intelligence, creativity, flexibility and commitments to excellence.
(A) daunting (B) amusing (C) delighting (D) encouraging

請回答下列第41題至第45題

Capital controls may be imposed on capital leaving a country or entering it. The former include controls over 41 transactions for direct and equity investments by residents and/or foreigners. For example, restrictions on the repatriation of capital by foreigners can include 42 a period before such repatriation is allowed, and regulations that phase the repatriation according to the availability of foreign exchange. Residents may be restricted 43 their holdings of foreign stocks, either directly or through limits on the permissible portfolios of the country's investment funds. Law can also restrict bank deposits abroad by residents. Alternatively, bank accounts and transactions 44 in foreign currencies can be made available to residents, and non-interest-bearing capital reserve requirements can be imposed on deposits in foreign currencies, 45 reducing or eliminating the interest paid on them and therefore diminishing their attractiveness. The main purpose of controls over capital out flows is to thwart attempts to shift between currencies during financial crises, which can exacerbate currency depreciation.

- (C) 41 (A) ultimate (B) upmost (C) outward (D) inbound
- (C) 42 (A) sacrificing (B) fortifying (C) specifying (D) foreseeing
- (A) 43 (A) in respect of (B) in addition to (C) by way of (D) in spite of
- (B) 44 (A) distributed (B) denominated (C) denounced (D) discriminated
- (D) 45 (A) albeit (B) after (C) unless (D) thus

請回答下列第46題至第50題

Two years ago, a group of elders in a village in north-western Uganda agreed to lend their land to refugees from South Sudan. About 120,000 are now in the surrounding area. Here they live in tarpaulin shelters and mud-brick huts on a patch of scrub where cows once grazed. Kemis Butele, a gravel-voiced Ugandan elder, explains that hosting refugees is a way for a remote place, long neglected by the central government, to get noticed. He hopes for new schools, clinics and a decent road – and “that our children can get jobs.”

There are more than 20 million refugees in the world today, more than at any time since the end of the second world war. Nearly 90% reside in poor countries. In many, to preserve jobs for natives, governments bar refugees from working in the formal economy. Uganda has shown how a different approach can reap dividends. The government gives refugees land plots and lets them work. In some places, the refugees boost local businesses and act as a magnet for foreign aid. Mr. Butele and many other Ugandans see their new neighbors as a benefit, not a burden. Sadly, such attitudes are still the exception.

Refugees are “brothers and sisters,” say many Ugandans. Mr. Butele was once one himself. But the welcome is also a pragmatic one. Northern Uganda is so poor that some locals pose as refugees to receive food aid. Others see refugees as buyers for local goods. Elsewhere in Uganda has indeed seen such positive **spillover**. One study from 2016 found that the presence of Congolese refugees in western Uganda had increased consumption per household. Another estimates that each new refugee household boosts total income, including that of refugees, by \$320-430 more than the cost of the aid the household is given. That rises to \$560-670 when refugees are given cash instead of rations.

- (A) 46 What is the main idea of this passage?
(A) Allowing refugees to work can bring benefits.
(B) Barring refugees from working boosts economy.
(C) The Ugandan approach to refugees proves problematic.
(D) Ugandans host refugees to receive foreign aid.
- (B) 47 Why do many governments bar refugees from working in the formal economy?
(A) Refugees would rather take odd jobs in a bar than formal jobs.
(B) The governments intend to preserve jobs for the local natives.
(C) The research shows that immigrants rarely take native workers' jobs.
(D) The research shows that refugees have increased consumption per household.
- (D) 48 Which of the following words is closest in meaning to "spillover"?
(A) Dividend. (B) Magnet. (C) Presence. (D) Excess.
- (C) 49 What is the implication of the statement, "such attitudes are still the exception"?
(A) The majority of refugees prefer to reside in rich countries.
(B) The majority of governments give refugees land plots.
(C) The majority of people consider refugees to be a burden.
(D) The majority of local businesses see refugees as a benefit.
- (D) 50 Which of the following statements is true?
(A) Ugandans welcomed refugees because the central government promised new schools, clinics and a decent road.
(B) Most refugees stayed in poor countries in order to boost local businesses and act as a magnet for foreign aid.
(C) A study found that the presence of refugees in Uganda had decreased consumption per household.
(D) Each new refugee household boosted total income more than the cost of the aid the household was given.

【高點法律專班】

版權所有，重製必究！

《法學知識與英文》

- (C)1 依憲法及憲法增修條文規定，下列何者非屬立法院之職權？
 (A)提出總統、副總統之罷免案 (B)對行政院院長提出不信任案
 (C)依憲法規定提出緊急命令 (D)解決中央與地方間有關剩餘權分配之爭議
- (C)2 依憲法增修條文之規定，下列何者不屬於經立法院提出後，須經中華民國自由地區選舉人投票複決或同意，始為通過之議案？
 (A)憲法修正案 (B)領土變更案 (C)總統、副總統彈劾案 (D)總統、副總統罷免案
- (B)3 依憲法及憲法增修條文規定，關於總統職權之行使，下列何者毋須經行政院會議決議？
 (A)宣布戒嚴 (B)任命內政部長 (C)發布緊急命令 (D)宣戰
- (C)4 依憲法及憲法增修條文規定，有關行政院組織，下列敘述何者正確？
 (A)行政院設有行政院會議，故行政院為合議制機關
 (B)行政院之組織毋須適用法律保留原則
 (C)國家機關之職權、設立程序及總員額，得以法律為準則性之規定
 (D)憲法增修條文明文授權行政院得設二級獨立機關
- (B)5 憲法基本國策章有關國民經濟之規定，下列敘述何者正確？
 (A)甲所有土地所蘊藏之煤礦，亦為甲所有 (B)憲法規定公用事業應以公營為原則
 (C)憲法要求發達私人資本 (D)國家徵收土地增值稅，嚴重侵害人民財產權
- (C)6 依司法院大法官解釋，有關行政執行法上拘提管收之相關規定，下列敘述何者錯誤？
 (A)管收係於一定期間內拘束人民身體自由於一定之處所，屬憲法第 8 條第 1 項所規定之拘禁
 (B)管收與刑事程序之羈押，目的不同，故其所踐行之司法程序自無須與羈押完全相同
 (C)行政執行法關於拘提、管收交由行政執行處執行之規定，違反憲法第 8 條第 1 項所定應由司法或警察機關為之規定
 (D)行政執行法之管收處分，目的係在貫徹公法上金錢給付義務之履行，尚非憲法所不許
- (A)7 依司法院大法官解釋：「自辦市地重劃由部分土地所有權人申請主管機關核定成立之籌備會發動，此將使重劃範圍內不同意參與重劃之土地所有權人，被迫參與自辦市地重劃程序」，涉及憲法何項基本權利之限制？
 (A)財產權 (B)平等權 (C)生存權 (D)工作權
- (B)8 依司法院大法官解釋，關於商業言論，下列敘述何者錯誤？
 (A)化粧品廣告之事前審查乃對言論自由之重大干預，原則上應為違憲
 (B)菸品與酒類對人體健康皆有影響，立法者對其標示應為相同之規範
 (C)菸品容器上應以中文標示所含尼古丁及焦油含量，乃菸品財產權所具有之社會義務
 (D)商業言論所提供之訊息，應受憲法第 11 條言論自由之保障
- (D)9 依租稅法律主義，須明定於法律者，不包括下列何者？
 (A)稅目 (B)租稅優惠減免 (C)納稅方法 (D)列舉扣除額證明方式
- (D)10 依司法院大法官解釋，關於婚姻之保障，下列敘述何者錯誤？
 (A)一夫一妻之婚姻受憲法所保障
 (B)民法關於重婚無效之規定，就一般情形而言，並未對人民之婚姻自由造成違憲之限制
 (C)國家遭遇重大變故，在夫妻隔離，相聚無期之情況下所發生之重婚，後婚姻應受憲法保障
 (D)憲法保障性行為之自由，故刑法通姦罪違憲
- (D)11 依司法院大法官解釋，下列何者並非憲法第 22 條保障之基本權利？
 (A)名譽權 (B)婚姻自由 (C)性行為自由 (D)政府資訊公開請求權
- (B)12 關於總統之刑事豁免權，下列敘述何者錯誤？
 (A)總統在職期間犯內亂罪或外患罪時，仍得對之為刑事訴究
 (B)憲法保障之刑事豁免權係屬實體之免責權
 (C)刑事豁免權並不免除總統之行政或民事責任

- (D)總統原則上不得拋棄其刑事豁免權
- (D)13 依據憲法增修條文規定，下列何者非監察院之職權？
(A)彈劾權 (B)糾舉權 (C)審計權 (D)同意權
- (B)14 下列何者不是聲請大法官釋憲之主體？
(A)立法院 (B)臺北市市長 (C)人民 (D)地方法院法官
- (D)15 有關司法院大法官解釋之效力，下列敘述何者錯誤？
(A)大法官解釋有拘束全國各機關之效力
(B)大法官依人民聲請所為之解釋，對聲請人據以聲請之案件，亦有效力
(C)大法官解釋有拘束全國人民之效力
(D)大法官解釋之效力，不得溯及既往
- (D)16 下列何者並非依照憲法第 170 條之程序所制定之法律？
(A)國立歷史博物館組織條例 (B)臺灣地區與大陸地區人民關係條例
(C)離島建設條例 (D)高雄市建築管理自治條例
- (A)17 總統為下列行為，何者須經行政院院長之副署？
(A)依法公布法律 (B)發布行政院院長之任免命令
(C)發布依憲法經立法院同意任命人員之任免命令 (D)發布解散立法院之命令
- (C)18 下列何者不須經公開發行公司股東會之同意？
(A)公司發行限制權利新股給員工 (B)修正公司章程
(C)股東以對公司之貨幣債權繳納股款 (D)公司減資彌補虧損
- (B)19 依司法院大法官解釋，關於規定請求權消滅時效之法規，下列敘述何者正確？
(A)應以憲法規定 (B)應以法律規定
(C)得以法律或法律授權之法規命令規定 (D)得以行政規則規定
- (C)20 屬於地區性、專門性、特殊性或臨時性事項之法律，其名稱通常為下列何者？
(A)法 (B)律 (C)條例 (D)通則
- (B)21 依據地方制度法規定，地方立法機關得訂定：
(A)自治規則 (B)自律規則 (C)委辦規則 (D)行政規則
- (C)22 行政命令經立法院各該委員會審查後，發現有違反、變更或抵觸法律者，或應以法律規定事項而以命令 定之者，應提報院會，經議決後，結果如何？
(A)該行政命令失其效力 (B)由立法院公告廢止該行政命令
(C)由立法院通知原訂頒之機關更正或廢止該行政命令 (D)由立法院通知行政院予以函告無效
- (B)23 關於推定之敘述，下列何者錯誤？
(A)推定乃對於某種事實之存在與否不明確時，依照一般常理加以推論認定之意
(B)推定乃法律對生活關係合理之規範，不問是否真實，對一定事實之存在，依據法律加以確定
(C)推定乃是依據法律規定所為之推論認定，若有不同之主張，允許提出反證推翻
(D)依據經驗法則判斷即屬於推定
- (C)24 依司法院大法官解釋，下列何者違反法律明確性原則？
(A)教師法以「行為不檢有損師道，經有關機關查證屬實」為解聘、停聘或不續聘之構成要件
(B)社會秩序維護法規定，無正當理由，跟追他人，經勸阻不聽者，處新臺幣 3000 元以下罰鍰或申誡
(C)檢肅流氓條例關於欺壓善良、品行惡劣、遊蕩無賴之規定
(D)刑法第 235 條規定所稱「猥褻」之資訊、物品
- (D)25 甲已喪偶，育有乙、丙、丁 3 名子女，乙結婚時，甲贈與 200 萬元，丙開設電腦公司時，甲贈與 300 萬元，丁出國遊學時，甲贈與 60 萬元旅費，甲死亡時，留下遺產 400 萬元。丁可分得多少遺產？
(A)200 萬元 (B)240 萬元 (C)260 萬元 (D)300 萬元
- (D)26 下列法律行為或意思表示，何者不是無效？
(A)表意人無欲為其意思表示所拘束之意，而為意思表示，但其情形為相對人所明知
(B)表意人與相對人通謀而為之虛偽意思表示
(C)背於公共秩序或善良風俗之法律行為
(D)限制行為能力人未得法定代理人之允許，所訂立之契約
- (C)27 甲、乙、丙三人平均共有之 A 動產被丁不法侵奪，甲欲起訴丁請求返還。下列敘述何者正確？

- (A)須以甲、乙、丙三人為共同原告
 (B)須以甲、乙為共同原告，請求將 A 返還予原告
 (C)甲得單獨起訴，請求將 A 返還予共有人全體
 (D)須有過半數之共有人為共同原告
- (C)28 有關合夥與隱名合夥之敘述，下列何者錯誤？
 (A)合夥有團體性，隱名合夥則無
 (B)合夥人之出資得以信用或勞務為之，隱名合夥僅以財產為限
 (C)合夥人僅由執行業務合夥人負出資義務，隱名合夥僅由隱名合夥人出資
 (D)合夥事務，原則上由合夥人全體共同執行；隱名合夥之事務，原則上專由出名營業人執行
- (D)29 甲到花蓮遊玩，在乙開設之商店購買當地名產 A 物，帶回公司與同事丙分享，詎料二人食用 A 物後均產生食物中毒現象，經查 A 物為丁工廠所製作，之所以發生食物中毒，主要係因為丁工廠原料使用不當所致。下列敘述，何者正確？
 (A)乙開設之商店為消費者，得向丁工廠請求損害賠償
 (B)丙非消費者，因為 A 物並非丙所交易購買
 (C)甲為消費者，僅得向丁依消費者保護法規定請求損害賠償
 (D)甲為消費者，得向企業經營者乙、丁依消費者保護法規定請求損害賠償
- (A)30 下列關於勞工保險之給付，何項敘述錯誤？
 (A)被保險人在保險有效期間發生傷病事故，於保險效力停止後 1 年內，得請領任一傷病及其引起之疾病之傷病給付、失能給付、死亡給付或職業災害醫療給付
 (B)被保險人退保後，經診斷確定於保險有效期間罹患職業病者，得請領職業災害保險失能給付
 (C)同一種保險給付，不得因同一事故而重複請領
 (D)領取保險給付之請求權，自得請領之日起，因 5 年間不行使而消滅
- (A)31 This company has been _____. It makes products ranging from aircraft engines to insurance, medical technology and plastics.
 (A)diversified (B)shortened (C)summoned (D)vaporized
- (C)32 The mortgage market has been in the _____ since the financial crisis crippled the banking industry last year.
 (A)excursion (B)celebrity (C)doldrums (D)incidence
- (C)33 There was so much _____ in the streets that travel was slow.
 (A)compression (B)combustion (C)congestion (D)confiscation
- (B)34 This coffee is too strong. Please _____ it by adding some water.
 (A)digest (B)dilute (C)revise (D)pacify
- (B)35 Using a(n) _____ thermal ice storage system, the device keeps cool with the equivalent of 13,000 tons of ice.
 (A)naive (B)innovative (C)retarded (D)overestimated
- (B)36 A recent study found that a positive attitude towards learning in early grades is _____ to success.
 (A)anxious (B)crucial (C)insecure (D)romantic

第 37 題至第 40 題為篇章結構題組，各題請依文意，從四個選項中選出最合適者，各題答案內容不重複：

Is bedtime just a time for dreaming? Do our brains turn off for the night? What if I told you that scientists recently discovered that our brains may be just as busy at night as they are during the day? 37 Researchers at the University of Rochester found that the brain may be busy cleaning house -- cleaning out harmful waste materials.

As with many studies, the researchers turned to mice for help. They studied mice that had colored dye injected into their brains. They observed the mice brains as they slept and when they were awake. The researchers say they saw that the brains of sleeping mice were hard at work. Dr. Maiken Nedergaard led the study. 38 It seems they have daytime jobs. Later they "moonlight" at a nighttime job. "Moonlighting" is working a nighttime job in addition to a day job. And this study says that is what our brains seem to be doing - working an extra job at night without additional pay for overtime. Whereas during sleep, they work very, very hard at removing all the waste that builds up when we are awake.

"When we are awake, the brain cells are working very hard at processing all the information about our surroundings. The researchers say that the waste material includes poisons, or toxins, responsible for brain disorders such as Alzheimer's disease. It is not just beauty sleep. The brain needs us to sleep so it can get to work. 39 This shrinking permits waste to be removed more effectively.

Dr. Nedergaard says these toxins end up in the liver. There, they are broken down and then removed from the body. “So our study suggests that we need to sleep because we have a macroscopic cleaning system that removes many of the toxic waste products from the brain.”

The brain’s cleaning system could only be studied with new imaging technologies. The test animal must be alive in order that this brain process may be seen as it happens. Dr. Nedergaard says the next step is to look for the process in human brains. 40 The research may also one day lead to treatments to prevent or help fight neurological disorders.

- (B)37 (A)They also found that during sleep, the brain’s cells shrink, or become smaller.
 (B)While we sleep, our brains are doing much more than getting ready for the next day.
 (C)She said the results demonstrate just how important sleep is to health and fighting disease.
 (D)The brain expert says our brains perform two very different jobs.
- (D)38 (A)They also found that during sleep, the brain’s cells shrink, or become smaller.
 (B)While we sleep, our brains are doing much more than getting ready for the next day.
 (C)She said the results demonstrate just how important sleep is to health and fighting disease.
 (D)The brain expert says our brains perform two very different jobs.
- (A)39 (A)They also found that during sleep, the brain’s cells shrink, or become smaller.
 (B)While we sleep, our brains are doing much more than getting ready for the next day.
 (C)She said the results demonstrate just how important sleep is to health and fighting disease.
 (D)The brain expert says our brains perform two very different jobs.
- (C)40 (A)They also found that during sleep, the brain’s cells shrink, or become smaller.
 (B)While we sleep, our brains are doing much more than getting ready for the next day.
 (C)She said the results demonstrate just how important sleep is to health and fighting disease.
 (D)The brain expert says our brains perform two very different jobs.

請依下文回答第 41 題至第 45 題：

It is believed that the color choices you make reflect a deeper meaning about your personality traits. For example, introverts and extroverts are likely to choose different colors – blue and red respectively. The colors you choose to wear might also say something about how you are feeling that day. Some days you may feel like wearing something lighter, something red, or something blue. These choices are often a reflection of how you are feeling at the moment. Additionally, wearing certain colors may cause you to react differently to certain situations.

The research also shows there may be a link between car color and serious injuries as a result of car accidents. From a safe perspective, it is recommended to choose expansive color with bright colors rather than contractive color with dark colors. Cars in light colors make lighter and cleaner impression than those in other colors. The study in Australia identified a clear statistically significant relationship between vehicle color and crash risk. Compared to white vehicles, a number of colors, generally those lower on the visibility index, were associated with higher crash risk. The association between vehicle color and crash risk was strongest during daylight hours. The analysis results also suggested that vehicle color has an association with crash severity with lower visibility colors having higher risks of more severe crashes, although environmental factors can also modify the relationship between vehicle color and crash risk. Further work is required to quantify this.

- (A)41 Which of the following is NOT mentioned in the passage?
 (A)Colors can expand your personality. (B)Colors can reveal your feeling.
 (C)Colors can change your mood. (D)Colors can cause you to react differently.
- (B)42 Which of the following is considered as low on the visibility index?
 (A)Expansive colors (B)Contractive colors (C)Light colors (D)Transparent colors
- (D)43 Which of the following might be the safest vehicle color according to the study?
 (A)black (B)red (C)silver (D)white
- (A)44 According to the passage, which of the following statements is true?
 (A)Vehicles with dark colors have higher crash risk during daylight hours.
 (B)Vehicles with light colors have higher crash risk during daylight hours.
 (C)Vehicles with dark colors have lower crash risk during daylight hours.
 (D)Vehicles with light colors have more severe crashes during daylight hours.
- (A)45 Which of the following correlative factors has NOT been proven to be significant?

(A)Vehicle color and environmental factors (B)Vehicle color and crash risk

(C)Vehicle color and time of the day (D)Vehicle color and crash severity

請依下文回答第 46 題至第 50 題：

One of the most dramatic features of the world is the cycle of day and night. Almost all species exhibit daily changes in their behavior and/or physiology. These daily rhythms are not simply a response to the 24-hour changes in the physical environment imposed by the earth turning on its axis but, instead, arise from a timekeeping system within the organism. This timekeeping system, or biological “clock,” allows the organism to anticipate and prepare for the changes in the physical environment that are associated with day and night, thereby ensuring that the organism will “do the right thing” at the right time of the day.

The synchrony of an organism with both its external and internal environments is critical to the organism’s well-being and survival; a lack of synchrony between the organism and the external environment may lead to the individual’s immediate demise. For example, if a nocturnal rodent were to venture from its burrow during broad daylight, the rodent would be exceptionally easy prey for other animals. Similarly, a lack of synchrony within the internal environment might lead to health problems in the individual, such as those associated with jet lag, shift work, and the accompanying sleep loss.

The mechanisms underlying the biological timekeeping systems and the potential consequences of their failure are among the issues addressed by researchers in the field of chronobiology. Although no single experiment serves as the defining event from which to date the beginning of modern research in chronobiology, studies conducted in the 1950s on circadian rhythmicity in fruit flies and in humans can be considered its foundation. The area of sleep research, which also is subsumed under the field of chronobiology, evolved somewhat independently, with the identification of various sleep stages around the same time.

(D)46 What is the best topic of this passage?

(A)The Foundation of Chronobiology. (B)The Feature of Life Cycle.

(C)The Internal and External Environments. (D)The Overview of Biological Mechanism.

(A)47 What does the word “subsumed” mean in the last paragraph?

(A)Included (B)Reduced (C)Downsized (D)Underestimated

(C)48 Which of the following is the result of an asynchrony of an organism with its internal environment?

(A)Daily leaf movements of a plant exposed to sunlight.

(B)Nocturnal animals having a sound sleep during daylight.

(C)People experiencing difficulty falling asleep at night.

(D)People feeling shocked when witnessing a car accident in the daytime.

(A)49 Which of the following is considered an external environment?

(A)An office setting. (B)A meditative activity.

(C)A biological timekeeping system. (D)A desire to change one’s behavior.

(D)50 According to this passage, which of the following statements is true?

(A)Chronobiology began with the studies on circadian rhythm in fruit flies and humans.

(B)All species simply respond to the cycle of day and night.

(C)All species have an internal clock that is crucial for their survival.

(D)Jet lag is a failure of a biological timekeeping mechanism.

【高點法律專班】

版權所有，重製必究！

《法學知識與英文》

- (D)1 依司法院大法官解釋及現行制度，下列關於公務員懲戒權之敘述，何者錯誤？
(A)公務員懲戒權屬於司法權
(B)於合理範圍內，懲戒權得以法律規定由公務員之長官行使
(C)對於公務人員之免職處分實質上屬於懲戒處分
(D)公務人員對於懲處處分不服，得向司法院公務員懲戒委員會請求救濟
- (C)2 刑法第235條處罰人民在網際網路上散布猥褻性文字、圖畫或影像之行爲，係限制憲法上何種基本權利？
(A)人身自由 (B)訴訟權 (C)言論自由 (D)財產權
- (A)3 依司法院釋字第509號解釋，憲法保障人民享有言論自由，其根本用意及功能在於：
(A)言論自由具有實現自我，追求真理，並監督政府的功能
(B)言論自由是與生俱來的權利，國家因此要保障並且不可以限制
(C)言論自由是人民最重要，但不是社會普遍承認的權利
(D)在資訊發達的今日，國家不需保障言論自由
- (B)4 依我國憲法及增修條文之規定，下列人員之資格，何者應經考試院依法考選銓定之？
(A)教師 (B)專門職業及技術人員 (C)行政機關之僱用人員 (D)中央研究院研究員
- (D)5 依據憲法增修條文規定，立法院得經全體立法委員幾分之幾以上連署，對行政院院長提出不信任案？
(A)四分之三 (B)三分之二 (C)二分之一 (D)三分之一
- (C)6 有關公務員侵權行爲所生國家賠償責任之敘述，下列何者正確？
(A)依國家賠償法規定，公務員係指依公務人員任用法任用之人員
(B)公務員侵權之成立係採無過失責任
(C)國家對於因輕過失而侵權之公務員無求償權
(D)國家賠償責任是因為國家合法的行爲所致
- (A)7 依公職人員選舉罷免法規定，任何人及政黨不得於下列何種時間從事公職人員選舉之競選活動？
(A)投票日 (B)週休二日 (C)上班時間 (D)國定假日
- (D)8 總統所發布之何種命令，須經行政院院長之副署？
(A)任命銓敘部部長之命令 (B)任命大法官之命令 (C)任命審計長之命令 (D)任命內政部部长之命令
- (C)9 依司法院大法官解釋，由下列何人核發通訊監察書，方符合憲法第12條有關人民秘密通訊自由之保障？
(A)法務部調查局局長 (B)警察局長 (C)法官 (D)檢察官
- (C)10 下列何者不是我國司法院大法官對憲法第7條平等原則之解釋意旨？
(A)平等原則係保障人民在法律上地位之實質平等
(B)立法者基於社會政策考量，尚非不得制定法律，將福利資源為限定性之分配
(C)法律不得授權主管機關，斟酌具體案件事實上之差異及立法之目的，而為合理之不同處置
(D)立法機關基於憲法之價值體系及立法目的，自得為合理之區別對待
- (B)11 依司法院釋字第42號解釋，我國憲法第18條所稱「服公職之權」的「公職」，不包含下列何者？
(A)各級民意代表 (B)人民團體之職員
(C)依法令從事於公務者 (D)中央與地方機關之公務員
- (C)12 依傳染病防治法之規定，主管機關得令曾與傳染病人接觸者強制隔離，司法院釋字第690號解釋認為，此規定對於人民人身自由之限制，尚未違憲。下列關於人民基本權利受到公權力限制之情形，何者與本號解釋所涉及之基本權不同？
(A)法務部依監獄行刑法之規定否准受刑人提出之假釋申請
(B)少年法院對於吸食毒品之少年作出收容於少年觀護所之裁定
(C)財政部依稅捐稽徵法規定限制欠稅達一定數額之納稅義務人出境
(D)警察機關對於違反社會秩序維護法之行爲人依確定之裁定執行拘留
- (B)13 下列關於軍隊國家化之論述，何者正確？
(A)中華民國之國防，以維護社會秩序、謀國計民生之均足為目的

- (B)全國陸海空軍，須超出個人、地域及黨派關係以外，效忠國家
(C)任何黨派及個人，必要時得以武裝力量為政爭之工具
(D)現役軍人必要時得兼任文官
- (B)14 有關我國國籍之繼受取得方式，下列何者錯誤？
(A)婚姻 (B)出生 (C)收養 (D)歸化
- (D)15 我國憲法規定，中華民國為民主共和國，下列何者非民主國家之特徵？
(A)排除任何的暴力或獨裁專制 (B)植基於自由、平等
(C)依據多數意志作成之人民自我決定 (D)黨國一體制度，未落實多黨原則
- (A)16 民法第6條規定：「人之權利能力，始於出生，終於死亡。」，民法第7條規定：「胎兒以將來非死產者為限，關於其個人利益之保護，視為既已出生。」，此兩個條文的關係為：
(A)原則法與例外法的關係 (B)母法與子法的關係 (C)實體法與程序法的關係 (D)任意法與強行法的關係
- (B)17 依司法院大法官解釋，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薦，違反下列何種原則？
(A)民主原則 (B)權力分立原則 (C)依法行政原則 (D)公益原則
- (B)18 關於法律明確性原則之內涵，下列何者不屬之？
(A)可司法審查性 (B)可變動性 (C)可理解性 (D)可預見性
- (C)19 下列那些機關得向立法院提出法律案？①考試院 ②監察院 ③中央銀行 ④司法院 ⑤總統府
(A)①②③ (B)①③ (C)①②④ (D)①②④⑤
- (C)20 下列何者不是「不法原因之給付」？
(A)甲交付金錢賄賂公務員乙
(B)甲與有夫之婦乙通姦，因而給付乙100萬元
(C)甲將違章建築的事實上處分權出賣於乙，乙給付價金
(D)甲教唆乙殺人，因而給付乙100萬元
- (C)21 依民法規定，下列有關定金效力之敘述，何者錯誤？
(A)契約履行時，定金應返還或作為給付之一部
(B)契約因可歸責於付定金當事人之事由，致不能履行時，定金不得請求返還
(C)契約因可歸責於受定金當事人之事由，致不能履行時，該當事人不須返還定金
(D)契約因不可歸責於雙方當事人之事由，致不能履行時，定金應返還之
- (A)22 甲為乙（主債務人）的債務作保證，並代為清償完畢，事後發現保證契約及主債務契約皆無效。債權人應向誰返還所收受之給付？
(A)甲 (B)乙
(C)向甲、乙任一人為返還，因為甲、乙為連帶債權人
(D)向甲、乙共同返還，因為甲、乙為不可分債權人
- (D)23 乙於甲之A地上有地上權，並將該地上權抵押於丙，其後甲將A地所有權移轉登記於乙。下列敘述何者正確？
(A)乙之地上權因混合而消滅 (B)乙之地上權因混同而消滅
(C)乙之地上權因抵銷而消滅 (D)乙之地上權不受影響
- (C)24 下列有關受賄罪之敘述，何者正確？
(A)作為賄賂之對價，僅限於違背職務之行為
(B)賄賂與作為對價之職務，不得僅有概括性之對價關係
(C)因受賄所得之不正利益，不得追徵其價額
(D)作為賄賂對價之職務行為，不包含不作為在內
- (C)25 我國現行刑法關於共犯之成立，其修法理由係採下列何種形式？
(A)極端從屬形式 (B)嚴格從屬形式 (C)限制從屬形式 (D)最小從屬形式
- (D)26 下列何者係刑法中著重社會防衛及對於行為人施以矯正的制裁措施？
(A)死刑 (B)自由刑 (C)財產刑 (D)保安處分
- (D)27 甲公司為進口商，在其輸入的DVD播放器外包裝上標示「本商品非本公司製造、設計，本公司僅負責本產品之銷售與客服，若造成任何財產、身體、生命之損害，概與本公司無關」。乙購買後，因線路設計瑕疵起火導致其子丙遭濃煙嗆傷。下列敘述何者正確？

- (A)因甲公司已標明免責，乙不得向甲公司求償
 (B)因丙非買賣契約當事人，丙不得向甲公司求償
 (C)因甲公司屬進口商，該商品非由其製造，故乙僅得向國外製造廠商求償
 (D)甲公司是進口商，乙仍得向甲公司求償
- (C)28 下列關於著作人格權之敘述，何者正確？
 (A)引用他人著作內容時，無須表示著作人姓名或名稱
 (B)著作人死亡後，由繼承人繼承其著作人格權，以便行使及維護該權利
 (C)公開發表權僅保護尚未公開發表之著作
 (D)著作人格權保護至著作人死亡後50年
- (A)29 有關勞動基準法中退休之規定，下列敘述何者錯誤？
 (A)心神喪失而不堪勝任工作之勞工，只要未滿55歲，仍不得強迫退休
 (B)工作15年以上而年滿55歲者得自請退休
 (C)自請退休性質上為勞工之形成權，無須雇主之同意
 (D)退休金之給與依勞動基準法第55條規定，最高總數以45個基數為限
- (A)30 女性受僱者因生理日致工作有困難者，每月得請生理假幾日？
 (A)1日 (B)2日 (C)3日 (D)4日
- (B)31 Over the ensuing century, with our increased knowledge of the wild and its _____, the old city zoo began to wither and fade.
 (A)fangs (B)inhabitants (C)prosperities (D)reveries
- (A)32 TV advertisers may be reluctant to sponsor a program that deals with _____ social issues. If they do, they may insist that the issues be portrayed delicately.
 (A)controversial (B)eccentric (C)obsolete (D)superficial
- (B)33 Great chefs understand how to use spices such as ginger and pepper to _____ the flavor of their food.
 (A)detect (B)enrich (C)implant (D)insist
- (A)34 There is much _____ about the use of animals in scientific studies; some believe it is necessary because it helps cure diseases, while some think it is cruel and should be stopped.
 (A)controversy (B)distraction (C)negotiation (D)superstition
- (D)35 As a sharp and straightforward businesswoman, Mandy often speaks directly and _____ to get her points crossed.
 (A)punctually (B)raucously (C)squeamishly (D)trenchantly

請依下文回答第36題至第38題：

The development of seawater agriculture has taken two directions. Some investigators have attempted to breed salt tolerance into conventional crops, such as barley and wheat. For example, Emanuel Epstein's research team at the University of California at Davis showed as early as 1979 that strains of barley propagated for generations in the presence of low levels of salt could produce small amounts of grain when irrigated by comparatively saltier seawater. Unfortunately, subsequent efforts to increase the salt tolerance of conventional crops through selective breeding and genetic engineering—in which genes for salt tolerance were added directly to the plants—have not produced good candidates for seawater irrigation. The upper salinity limit for the long-term irrigation of even the most salt-tolerant crops, such as the date palm, is still less than five part per 1,000(ppt)—less than 15 percent of the salt content of seawater. Normal seawater is 35 ppt salt.

Our approach has been to domesticate wild, salt-tolerant plants, called halophytes, for use as food, forage, and oilseed crops. We reasoned that changing the basic physiology of a traditional crop plant from salt-sensitive to salt-tolerant would be difficult and that it might be more feasible to domesticate a wild, salt-tolerant plant. After all, our modern crops started out as wild plants. Indeed, some halophytes—such as grain from the saltgrass *Distichlis Palmeri*—were eaten for generations by native peoples, including the Cocopah, who live where the Colorado River empties into the Gulf of California.

- (A)36 Which of the following can be inferred from the passage?
 (A)It is possible to domesticate a wild, salt-tolerant plant.
 (B)It is feasible to add genes for salt tolerance to the plants.
 (C)It is worthwhile to reduce the salt content of seawater from 35 ppt salt to 15 ppt salt.
 (D)It is promising to change a traditional crop plant from salt-sensitive to salt-tolerant.
- (C)37 According to the passage, which of the following plants will grow and produce crops when irrigated by seawater with

over 5 ppt salt?

(A)Barley (B)Wheat (C)*Disticblis Palmeri* (D)Date Palm

(B)38 Where do you think the Cocopah live?

(A)At the origin of the Colorado River (B)At the mouth of the Colorado River

(C)Along the Colorado River (D)At the dried part of the Colorado River

請依下文回答第39題至第42題：

What makes people smart? It is a question that scientists and philosophers have thought about for centuries, prompting complex calibrations, from head measurements to brain-bending tests. Yet the drive to probe the powers—and the limits—of the human mind has been thwarted by the hard facts of life:the brain was virtually a black box, its inner secrets locked within. Now, scientists are using the latest technology to peer inside. Using machines such as the PET scanner and FMRI machines, which map the changes in the brain's blood flow, researchers at U.C. Irvine and elsewhere are producing the first images of how gifted, and not-so-gifted, minds go about the task of thinking. In one study, Professor Richard Haier of U.C. Irvine found that brighter people have lower metabolic rate probably because their brains are more efficient. However, when bright people are given harder tasks, their brains work harder than the average person's. Apparently, brain activity depends, to some extent, on the difficulty level of the task and the level of effort required.

(B)39 Why is it so hard to examine the powers and limits of the human brain?

(A)The hard facts of life cannot be measured.

(B)The inner secrets of the brain have not been revealed yet.

(C)The drive to test the human brain has been encouraged.

(D)Complex calibrations are prompted.

(D)40 What is the newest way for scientists nowadays to explore the human brain?

(A)Giving brain-bending tests (B)Mapping the changes surrounding the brain

(C)Giving tasks of calibration (D)Using machines like the PET scanner

(C)41 Which of the following facts was found by Professor Haier?

(A)Bright people always have lower metabolic rate.

(B)The average person does not work hard when he is given hard tasks.

(C)Brighter people have higher metabolic rate when they are given harder tasks.

(D)The level of effort required is not in proportion to the difficulty level of the task.

(D)42 What do the underlined words "a question" refer to?

(A)How to prompt complex calibration

(B)How to set up the limits of the mind

(C)How to measure the head with brain-bending tests

(D)How to investigate the powers and limits of the human brain

【高點法律專班】

版權所有，重製必究！

請依下文回答第43題至第46題：

New Yorkers are not notably genial neighbors. Many get to know one another solely by what manages to permeate their deadbolted doors—an odoriferous stew, the wail of a child, the hushed sighs of intimate moments.

But the boom in condos loaded with amenities, along with the construction of some high-end rental buildings, has created opportunities for neighbors to make the transition from polite elevator nods to cocktail-caliber mingling. More and more properties in the city feature community amenities like gyms, lounges, and roof decks. These, and more novel spaces—cinemas, wet bars, squash courts, outdoor rain showers, are putting lounges with a lonely television set to shame, and they are fostering a clubby college-dormitory atmosphere in several developments.

“We’re extremely social creatures, and I think people in New York suffer from an inability to really interact with people,” said Susan Meiklejohn, associate professor of urban planning at Hunter College. This is not because New Yorkers are cold, Dr. Meiklejohn said, but because the city is so dense that people avoid one another to establish buffer zones. “What level of friendliness can you possibly sustain each day if you have to say hello to everybody you meet on 34th Street?” she said. The design of many new buildings, however, are gradually making New Yorkers venture beyond tight-lipped hellos at the mailbox.

(B)43 According to Dr. Meiklejohn, what accounts for New Yorkers’ lack of true interaction with others?

- (A) New York is too cold. (B) New York is too crowded.
- (C) New York is too expensive. (D) New York is too dangerous.

(C)44 According to the passage, what is the change New Yorkers have undergone?

- (A) They are building more condos and expensive rental buildings.
- (B) They have learned to enjoy tight-lipped hellos and polite elevator nods.
- (C) They are developing closer relationships with their neighbors.
- (D) They have become used to whatever permeates their deadbolted doors.

(D)45 According to the passage, which amenity has gradually become out of date for the new buildings in New York?

- (A) Community gyms (B) Clubby roof decks (C) Outdoor rain showers (D) Lounges with a TV set

(B)46 Which of the following can be inferred from the passage?

- (A) New Yorkers are obsessed with cocktail-caliber mingling.
- (B) New Yorkers change along with their living space.
- (C) New Yorkers will never make genial neighbors.
- (D) New Yorkers no longer need buffer zones.

第47題至第50題為篇章結構，各題請依文意，從四個選項中選出最合適者，各題答案內容不重複

Even in this modern, high-tech age, money is still a great cultural taboo that is rarely discussed openly in the United States, experts say. People can find advice from many self-help books on how to become rich. 47 Not until recently, with large numbers of people afflicted by what psychologists call “money disorders,” psychologists and financial planners seem to have found a way to join forces in the budding field of financial therapy, where budget planning meets psychological counseling.

While it is difficult to pinpoint the number of patients or practitioners, experts in psychology and financial planning say the number of professionals offering to treat money disorders has multiplied in the last few years. 48 For example, Dr. Brad Klontz, a financial psychologist, in his study looked at various money disorders at a treatment center, Onsite, in Nashville. 49 It costs \$2,650 and involves six days of group therapy and financial counseling to treat a wide variety of unhealthy and self-destructive behaviors that are not as extreme as pathological gambling or compulsive shopping.

Nevertheless, under the American Psychological Association’s professional code of ethics, therapist should not enter into outside relationships with clients, including business arrangements like financial planning. 50 “It could violate the ethical standards of the mental health field if a financial planner who was also trained as a therapist crossed the boundary from asset management or coaching into the realm of providing therapy,” said Dr. Klontz.

(B)47 (A) Onsite is one of a number of programs and workshops devoted to money disorders.

- (B) However, the fields of psychology and financial planning have been slow to link money and emotion.
- (C) In addition, research studies have been conducted to examine the state and treatment of money disorders.
- (D) With the field of financial therapy so new, Dr. Klontz and others tried to have their voices heard about the murky ethics.

- (C)48 (A)Onsite is one of a number of programs and workshops devoted to money disorders.
(B)However, the fields of psychology and financial planning have been slow to link money and emotion.
(C)In addition, research studies have been conducted to examine the state and treatment of money disorders.
(D)Problematic money behaviors like gambling and compulsive shopping are treated at more traditional rehab facilities.
- (A)49 (A)Onsite is one of a number of programs and workshops devoted to money disorders.
(B)In addition, research studies have been conducted to examine the state and treatment of money disorders.
(C)Problematic money behaviors like gambling and compulsive shopping are treated at more traditional rehab facilities.
(D)And when people come for help around money, “it goes so much deeper than what is in their bank accounts,” said Dr. Klontz.
- (C)50 (A)In addition, research studies have been conducted to examine the state and treatment of money disorders.
(B)Problematic money behaviors like gambling and compulsive shopping are treated at more traditional rehab facilities.
(C)With the field of financial therapy so new, Dr. Klontz and others tried to have their voices heard about the murky ethics.
(D)And when people come for help around money, “it goes so much deeper than what is in their bank accounts,” said Dr. Klontz.

【高點法律專班】

版權所有，重製必究！