

100 年公務人員特種考試法務部調查局調查人員考試試題

考試別：調查人員、國家安全情報人員、社會福利工作人員

等 別：三等考試

類科組：各組、各科別

科 目：法學知識與英文 (包括中華民國憲法、法學緒論、英文)

- (B) 1. 下列關於中華民國領土之敘述，何者錯誤？
(A) 憲法本文對領土之確定，係採概括規定
(B) 依憲法增修條文規定，領土變更案由總統提出
(C) 依憲法增修條文規定，領土變更案須經公民複決
(D) 依司法院大法官釋字第 328 號解釋，領土範圍之界定，屬於政治問題
- (A) 2. 依公職人員選舉罷免法規定，選舉或罷免無效之訴，由下列何者審理？
(A) 普通法院 (B) 行政法院 (C) 軍事法院 (D) 公務員懲戒委員會
- (C) 3. 依地方制度法第 11 條規定，省諮議員任期與待遇為何？
(A) 4 年，為有給職 (B) 4 年，為無給職
(C) 3 年，為無給職 (D) 6 年，為無給職
- (B) 4. 下列何項與國家限制人民自由及權力之比例原則無關？
(A) 所採取之限制措施是否有助於目的之達成
(B) 所採取之限制措施是否依據法律
(C) 所採取之限制措施是否為在可能達成目的之措施中，對當事人最小之侵害者
(D) 所採取之限制措施是否過度
- (D) 5. 下列人民選舉權所行使的對象中，何者不是由我國現行憲法規定，而是由法律所規定？
(A) 副總統 (B) 立法委員 (C) 縣(市)議員 (D) 鄉(鎮、市)長
- (B) 6. 內政部若訂農曆四月八日佛陀誕辰為為國定紀念日，則會與下列何種原則衝突？
(A) 宗教自治原則 (B) 政教分離原則 (C) 和平信仰原則 (D) 宗教獨佔原則
- (C) 7. 關於憲法所規定之人民選擇權與罷免權，下列敘述何項正確？
(A) 選舉爭議之訴訟由行政院組織特別委員會審理
(B) 年滿 18 歲有依法選舉之權
(C) 被選舉人得由原選舉區依法罷免之
(D) 各種選舉以普通、平等、間接及記名投票之方法行之
- (D) 8. 憲法第 8 條第 2 項所定「至遲於 24 小時內移送」之時限，應計入下列何項時間？
(A) 因交通障礙所致之時間
(B) 其他不可抗力之事由所生不得已之遲滯時間
(C) 在途解送時間
(D) 在途解送之不必要遲延所致之時間
- (B) 9. 臺北市道路之交通號誌因品質低劣而無故折斷，導致停在一旁之汽車被壓毀，汽車所有人如請求國家賠償，下列敘述何者正確？
(A) 市政府應負公物員執行職務行使公權力不法侵害人民權利之國家賠償責任
(B) 市政府應負公有公共設施設置管理有欠缺之國家賠償責任
(C) 市政府不必負責
(D) 市政府不必負責，但管理人員應負全責
- (D) 10. 有關總統副總統選舉設立競選辦事處之敘述，下列何者錯誤？
(A) 同一組候選人於競選活動期間，得設立競選辦事處
(B) 同一組候選人設立競選辦事處二所以上者，主辦辦事處應以候選人為負責人
(C) 候選人競選辦事處不得設於機關、學校
(D) 候選人競選辦事處不得設於政黨之各級黨部辦公室
- (A) 11. 依現行憲法之規定，下列何者非監察院得彈劾之對象？

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- (A)總統 (B)監察委員 (C)司法院院長 (D)考試院院長
- (D) 12. 依憲法之規定，下列何種事項不屬於司法院大法官審理權限範圍？
(A)總統、副總統彈劾案 (B)政黨違憲解散案
(C)統一解釋法令案 (D)立法委員懲戒案
13. 為促進司法權之獨立，憲法增修條文對司法預算有何規定？
(A)司法院所提年度司法概算，不須編入中央政府總預算案，直接由司法送請立法院審議。
(B)司法院所提年度司法概算，須編入中央政府總預算案，但由司法送請立法院審議。
(C)司法院所提年度司法概算，須編入中央政府總預算案，行政院雖得予刪減，但需加註意見說明理由後，方得送請立法院審議。
(D)司法院所提年度司法概算，須編入中央政府總預算案，行政院不得刪減，但可加註意見後，送請立法院審議。
- (B) 14. 有關立法委員待遇報酬之敘述，下列何者錯誤？
(A)立法委員支領待遇屬於法律保留之範圍。
(B)立法委員除歲費及公費外不得支領其他報酬。
(C)立法委員除年度通案調整外，單獨增加報酬或待遇之規定應自次屆起實施。
(D)報酬及必要費用必須在合理限度內核定，始得據以編列預算支付之。
- (D) 15. 依據憲法增修條文規定，立法院對於行政院移請覆議案之處理，下列敘述何者正確？
(A)立法院如非休會期間，應於附議案送達十日內作成決議
(B)立法院如為休會期間，應於十日內自行集會，以處理覆議案
(C)如為休會期間，立法院經自行集會，並應於開議十日內對覆議案做成決議
(D)立法院對於行政院移請之覆議案，逾期未議決者，原決議失效
- (D) 16. 直轄市所發布之自治條例，如與法律牴觸，行政院應如何處理？
(A)提起行政訴訟，聲請法院撤銷該自治條例
(B)命該直轄市於十日內修正自治條例，逾時失效
(C)尊重直轄市之法規訂定權，僅能靜待受害之人民提起訴訟請求確認無效
(D)函告該自治條例無效
- (A) 17. 以下何者並非民法上之「法律行為」？
(A)父母對已成年子女結婚之「同意」
(B)債務之免除
(C)締結買賣契約
(D)出賣人對買受人交付買賣標的物
- (C) 18. 設甲死亡時留下遺產新臺幣（下同）900萬元，乙為甲之配偶，則下列關於遺產分配之敘述，何者錯誤？
(A)若甲有子女2人，則乙可繼承300萬元
(B)若甲沒有子女，父母皆健在，則乙可繼承450萬元
(C)若甲沒有子女，且父母皆已死亡，僅有胞兄一人，則乙可繼承600萬元
(D)若甲沒有子女及兄弟，且父母皆已死亡，但祖父母尚健在，則乙可繼承600萬元
- (A) 19. 下列何者不適用行政程序法之程序規定？
(A)監察院對公務員違反公職人員財產申報法而課處罰鍰
(B)內政部入出國及移民署訂定「外國人停留居留及永久居留辦法」
(C)行政院國家通訊傳播委員會廢止某廣播電台之執照
(D)國立大學與公費學生締結行政契約
- (C) 20. 以下何者不適用家庭暴力防治法？
(A)甲乙為同居三年，但未結婚之男女情侶。甲男嚴重毆打乙女
(B)甲乙曾為夫妻，但三個月前已經離婚。甲男仍至乙女住所毆打乙女
(C)甲乙為通信多年之筆友，約會見面後，甲男即多次威脅乙女，造成乙女精神緊張與恐慌

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- (D)甲乙為同住一處之父子，甲經常以竹棍鐵棒毆打未成年之子乙
- (A) 21. 審理民事案件之法官，於審理時認為某一法律確實抵觸憲法，其應如何處理，方能使該違憲法律失效？
- (A)停止訴訟，聲請司法院大法官解釋
(B)法律抵觸憲法者「無效」，因此法官得逕行拒絕適用
(C)將案件移送總統審議
(D)將當初草擬法律之公務員移送監察院
- (C) 22. 以下關於權利能力與行為能力的論述，何者為非？
- (A)胎兒以非死產者為限，有權利能力
(B)未滿七歲者，無行為能力
(C)未成人之權利能力受限制，應得法定代理人同意方得行使權利
(D)權利能力終於死亡
- (C) 23. 下列關於法律制定之敘述，何者錯誤？
- (A)監察院有法律案之提案權
(B)人民沒有法律案之提案權
(C)法律案在完成三讀之前，提案者經立法院院會同意，得撤回原案
(D)第三讀會，原則上只得為文字之修正
- (A) 24. 集會遊行法第 26 條規定：「集會遊行之不予許可、限制或命令解散，應公平合理考量人民集會、遊行權利與其他法益間之均衡維護，以適當之方法為之，不得逾越所欲達成目的之必要限度。」所據之法律原則，是：
- (A)比例原則 (B)法律保留原則
(C)法律優位原則 (D)信賴保護原則
- (C) 25. 下列有關法律解釋之敘述，何者錯誤？
- (A)應先作文義解釋，再作論理解釋
(B)文義解釋與論理解釋之結果如有衝突，應以論理解釋為準
(C)對於抽象文字，應從狹義解釋
(D)限制人民自由之法律，應從狹義解釋
- (B) 26. 中央法規標準法第 18 條規定：「各機關受理人民聲請許可案件適用法規時，除依其性質應適用行為時之法規外，如在處理程序終結前，據以准許之法規有變更者，適用新法規。但舊法規有利於當事人而新法規未廢除或禁止所聲請之事項者，適用舊法規。」所據之法律原則，是：
- (A)法律保留原則 (B)信賴保護原則
(C)比例原則 (D)法律優位原則
- (A) 27. 速食業者甲得知櫃檯員工某乙為同性戀者，即以「顧客不喜歡同性戀者」為由要求乙離職。甲之行為是否抵觸性別工作平等法？
- (A)違法。此乃基於性傾向歧視之解僱行為
(B)合法。雇主有自行決定解僱與否之權利
(C)合法。性別工作平等法僅處理「男女平等」，而與同性戀性傾向無關
(D)違法。甲應先向主管機關核備之後，方得解僱員工
- (D) 28. 下列有關法人之敘述，何者錯誤？
- (A)社團法人亦能有公益法人
(B)公法人亦能成為私權之主體
(C)私法人亦能享有公權
(D)自然人所能享有或負擔之權利、義務，法人均能享有或負擔
- (A) 29. 下列何種行為不成立犯罪？
- (A)預備聚眾公然對依法執行職務之公務員施強暴脅迫
(B)冒充外國公務員而行使其職權
(C)公務員因過失而致職務上依法逮捕拘禁之人脫逃

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- (D)對於公署公然侮辱
- (C) 30. 下列何者乃著作權法所保護之著作權標的？
(A)公務員於職務上草擬之講稿 (B)國家考試之試題
(C)新聞報紙之社論 (D)政府機關所編之法令集
- (D) 31. I can't _____ the noise, the traffic, and the pollution in the city any more.
(A) put over (B) put through (C) put down (D) put up with
- (C) 32. The major problem of his writing is the _____ and unnecessary repetition of words.
(A) tangible (B) symbolic (C) monotonous (D) conciliatory
- (B) 33. Size matters, at least in astronomy. Large telescopes are able to detect fainter objects than their smaller _____ can because they gather more light.
(A) anecdotes (B) counterparts (C) fragments (D) incentives
- (D) 34. The problem of gun control in America will continue to grow in a vicious circle _____ more and more people buying guns to protect themselves.
(A) because (B) for (C) while (D) with
- (B) 35. If it snows this week, we will go skiing this weekend. _____, we will stay in the city and see a movie.
(A) Therefore (B) Otherwise (C) Moreover (D) However

請依下文回答第 36 題至第 39 題

The current debate over euthanasia is often simplistic. The subject is complex. We don't even have a generally agreed-upon definition of the word. Is euthanasia solely an act 36 by someone—a physician or a family member—on someone else who is ill or dying? Does euthanasia 37 the patient's consent? The family's consent? Is it 38 other forms of suicide or homicide? How does it differ from simply "pulling the plug"? If one type of euthanasia consists of refraining from the use of "heroic measures" to prolong life, 39 does one distinguish between those measures that are heroic and those that are standard treatments?

- (D) 36. (A) concluded (B) created (C) contained (D) committed
- (D) 37. (A) catch (B) focus (C) inquire (D) require
- (D) 38. (A) accredited to (B) derived from (C) attributed to (D) separable from
- (A) 39. (A) how (B) what (C) when (D) which
- (C) 40. The bullfight is one of the most morally contentious of all legally sanctioned activities in the western world.
(A) It is not easy to end the practice of bullfighting as it is permitted by law and beneficial to the moral health of the society.
(B) In the western world, the bullfight is legally allowed but morally forbidden.
(C) Although an officially authorized activity, the bullfight remains one of the greatest ethical controversies in the western world.
(D) In the western world, the bullfight is prohibited by law and forbidden by the society's conscience.
- (A) 41. F. Reinitzer finally realized the cloudy liquid he stumbled upon was a new state of matter and coined the name "liquid crystal."
(A) It was a coincidence that F. Reinitzer discovered a new material, for

which he created the term “liquid crystal.”

- (B) F. Reinitzer found a new kind of material when he fell down accidentally and he called the newly found “liquid crystal.”
- (C) It dawned on F. Reinitzer that he needed “liquid crystal” to prove that he had come across a new kind of material in coins.
- (D) When churning the cloudy liquid, F. Reinitzer found that the material assumed a new form which he called “liquid crystal.”
- (B) 42. The drug trafficking situation is one more potential strain on the already tense relationship between the United States and Canada.
- (A) The United States and Canada have a tense relationship in recent years due to traffic problems.
- (B) Drug smuggling adds a new strain on the tense US-Canada relations.
- (C) The border transportation problem has long existed between the United States and Canada.
- (D) The United States and Canada have a tense relationship along the border.
- (B) 43. The wild and treacherous weather is a threatening sign of grave environmental problems.
- (A) The unpredictable weather threatens the impending serious environmental problems.
- (B) The unpredictable weather signifies the impending disastrous environmental problems.
- (C) Environmental problems threaten our daily life with unpredictable weather.
- (D) Our daily life is threatened with the unpredictable weather.

第 44 題至第 47 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

Exposition, as well as argument, can be made more vivid, and hence more understandable, with the support of description. Most exposition does contain some elements of description. 44 It therefore becomes a basic pattern for the expository purpose.

Description is most useful in painting a word-picture of something concrete, such as a scene or a person. 45 We can also describe an abstract concept, such as an emotion or a quality or a mood. But most attempts to describe fear, for instance, still resort to the physical—a “coldness around the heart,”

perhaps—and in such concrete ways communicate the abstract to the reader. The first and most important job in any descriptive endeavor is to select the details to be included. 46 Thus writers must constantly keep in mind the kind of picture they want to paint with words. Such a word-picture need not be entirely visual. 47 Writers can use strokes that will add the dimensions of sound, smell, and even touch. Such “strokes,” if made to seem natural enough, can help create a vivid and effective image in the reader’s mind.

- (C) 44. (A) Description is either objective or subjective.
- (B) Objective description is purely factual, uncolored by any feelings of the author.
- (C) At times description carries almost the entire burden of explanation.

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- (D) Its use is not restricted, however, to what we can perceive with our senses.
- (D) 45. (A) There are usually many from which to choose.
(B) In this respect writers have more freedom than artists.
(C) Objective description is purely factual, uncolored by any feelings of the author.
(D) Its use is not restricted, however, to what we can perceive with our senses.
- (B) 46. (A) Description is either objective or subjective.
(B) There are usually many from which to choose.
(C) Ingenuity should not be allowed to produce excessive description.
(D) Its use is not restricted, however, to what we can perceive with our senses.
- (B) 47. (A) Description is either objective or subjective.
(B) In this respect writers have more freedom than artists.
(C) Ingenuity should not be allowed to produce excessive description.
(D) At times description carries almost the entire burden of explanation.
- (B) 48. Genes are usually regarded as immutable, but in reality more than 90 percent of them are _____ or less active in producing protein, so some types of stimulation can wake them up.
(A) mutable (B) dormant (C) predictable (D) definite
- (A) 49. Adding electronic entertainment devices to a vehicle is a formula for disaster in driving safety.
(A) Adding electronic entertainment devices to a car is very likely to lead to auto accidents.
(B) Drivers are easily distracted by electronic entertainment devices which are formulaic.
(C) We should add electronic entertainment devices to a car for the sake of driving safety.
(D) The more electronic entertainment devices are added to a car, the fewer auto accidents will occur.
- (A) 50. When Mary was 45, her eye doctor told her that she had to get eyeglasses so that she could see clearly both near and far.
(A) bifocal (B) binocular (C) bilingual (D) bilateral