

97 年公務人員特種考試法務部調查局調查人員考試試題

等別：三等考試

組別：各組別

科目：法學知識與英文 (包括中華民國憲法、法學緒論、英文)

- (C) 1. 憲法第1 條所規定之國體為何？
(A)中立國 (B)和平國 (C)共和國 (D)聯邦國
- (D) 2. 有關人民之權利義務及國家基本組織等事項，係散見於各單行法規、習慣法中，屬於何種憲法？
(A)剛性憲法 (B)柔性憲法 (C)成文憲法 (D)不成文憲法
- (A) 3. 地方制度法如何規定直轄市市長之任期？
(A)任期四年，連選得連任一次 (B)任期四年，連選得連任二次
(C)任期四年，連選得連任三次 (D)任期四年，無連任次數限制
- (C) 4. 台中市北區某里承受日據時期之財產，依地方制度法第86 條規定，得成立何種組織處理之？
(A)公司 (B)合作社 (C)財團法人 (D)社團法人
- (B) 5. 依憲法本文及增修條文之規定，下列何者係立法院之職權？
(A)對行政院院長提出彈劾案 (B)提出領土變更案
(C)發布緊急命令 (D)對總統提出不信任案
- (C) 6. 憲法第8 條第1 項的司法機關，意指：
(A)行政執行官 (B)書記官 (C)法院 (D)警察機關
- (A) 7. 憲法第8 條有關人身自由保障之規定是屬於：
(A)憲法保留 (B)法律保留 (C)命令保留 (D)國會保留
- (D) 8. 下列何者不屬於憲法上財產權之保障範圍？
(A)地上權 (B)商標專用權 (C)租賃權 (D)人體器官移植權
- (C) 9. 下列有關國家賠償法之敘述，何者錯誤？
(A)國家賠償法乃依憲法之規定而制定
(B)國家賠償法以金錢賠償為原則
(C)國家賠償案件得直接向法院起訴請求賠償
(D)公務員消極不作為亦可能產生國家賠償責任
- (A) 10. 依總統副總統選舉罷免法第22 條第1 項規定，同一政黨可否推薦兩組以上總統、副總統候選人？
(A)不可以，若推薦二組以上候選人者，其後登記者不予受理
(B)視其他政黨有無推薦候選人而定
(C)原則上可以，例外不可以
(D)視該政黨之黨綱規定
- (C) 11. 依憲法增修條文第3 條第2 項第3 款之規定，立法院得對行政院院長提出不信任案，下列敘述何者錯誤？
(A)立法院經全體立法委員三分之一以上之連署提出
(B)提出七十二小時後，應於四十八小時內以記名投票表決之
(C)如經全體立法委員三分之二以上贊成，行政院院長應於十日內提出辭職
(D)行政院院長辭職時，並得同時呈請總統解散立法院
- (D) 12. 下列何者不須提到行政院會議討論？
(A)涉及各部會共同關係之事項 (B)法定預算項目之停止執行事項
(C)增設、裁併部會之事項 (D)部會首長出缺時之繼任人選
- (B) 13. 監察權中對人所發動者有那些？①彈劾權②糾舉權③糾正權④審計權
(A)①②③④ (B)①② (C)②③ (D)①③④
- (C) 14. 有關考試委員之敘述，下列何者錯誤？

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- (A)考試委員須經立法院同意後任命 (B)考試委員之任期為六年
(C)考試委員以連任一次為限 (D)富有政治經驗聲譽卓著者，具考試委員之資格
- (A) 15. 審計長應於行政院提出決算後三個月內，依法完成其審核，並提出報告於何院？
(A)立法院 (B)司法院 (C)考試院 (D)監察院
- (D) 16. 由檢察官負責通訊監察書之聲請與核發，司法院大法官認為此與憲法對人民何種保障之旨旨不符？
(A)隱私權 (B)人格權 (C)言論自由 (D)秘密通訊自由
- (B) 17. 對負有裁判任務者指示其應如何裁判之法律，屬於下列何種規範？
(A)行為規範 (B)裁判規範 (C)組織規範 (D)道德規範
- (C) 18. 下列有關空白構成要件變更之敘述，何者正確？
(A)要適用舊法 (B)要適用新法
(C)實務見解認為是事實變更 (D)實務見解認為是法律變更
- (B) 19. 下列何者係有限公司股東出資之憑證？
(A)股票 (B)股單 (C)股條 (D)股券
- (A) 20. 下列何者非屬成文法之範疇？
(A)公司章程 (B)憲法
(C)立法院通過之法律 (D)行政機關之規章
- (C) 21. 法律是經濟條件的背影，經濟為本，法律為末，此為下列何種理論之主張？
(A)實用主義 (B)功利主義 (C)唯物史觀 (D)經濟分析法學
- (D) 22. 下列法律，何者不屬於廣義的社會福利法範圍？
(A)兒童及少年福利法 (B)老人福利法
(C)身心障礙者權益保障法 (D)性別工作平等法
- (B) 23. 在立法院內主要係由下列何者負責法律案之審查？
(A)黨團 (B)委員會 (C)法制局 (D)預算中心
- (B) 24. 下列何種解釋方法是法律解釋首先必須使用的方法？
(A)體系解釋 (B)文義解釋 (C)歷史解釋 (D)合目的性解釋
- (D) 25. 依司法院大法官解釋，下列何種事項並未違反平等原則？
(A)法律規定由妻之原有財產所生之孳息，其所有權歸屬於夫
(B)在某一道路範圍內之私有土地均辦理徵收，僅因既成道路有公用地役關係而不辦理徵收補償
(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
(D)法律規定菸品所含之尼古丁及焦油含量應以中文標示於菸品容器上，對酒類及食品則未有類似規定
- (C) 26. 下列敘述何者錯誤？
(A)故意之責任不得預先免除
(B)重大過失之責任不得預先免除
(C)應與處理自己事務為同一注意者，如有重大過失可不負責
(D)應與處理自己事務為同一注意者，如有重大過失仍應負責
- (D) 27. 我國刑法中，最能彰顯法律與倫理之關聯性者，係下列那一項？
(A)誠信原則 (B)罪刑法定主義
(C)法律不溯既往原則 (D)殺直系血親尊親屬之特別規定
- (C) 28. 股份有限公司進入重整程序後，由下列何者代替行使原董事會權限？
(A)關係人會議 (B)檢查人 (C)重整人 (D)重整監督人
- (A) 29. 下列敘述，何者不是勞動基準法的立法目的？
(A)提昇工會參與勞資協商的能力 (B)保障勞工權益
(C)加強勞雇關係 (D)促進社會與經濟發展
- (D) 30. 依據家庭暴力防治法的規定，命相對人遠離被害人住居所、學校、工作場所的保護令，其執行機關是：

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(A)法院 (B)檢察署 (C)社會局 (D)警察局

- (D) 31. At the party, Carl gave Amelia but warmed up to Danielle.
(A) the icy eyes (B) the cool back
(C) the cold feet (D) the cold shoulder
- (B) 32. Europe's universities must start considering methods of raising money if they want to stay competitive.
(A) antique (B) innovative (C) juvenile (D) trivial
- (D) 33. For all the business trips you are assigned to, you will get for the travel expenses.
(A) achieved (B) balanced (C) functioned (D) reimbursed
- (C) 34. The package a train model, a screw driver, and two batteries.
(A) consisted in (B) made up of
(C) consisted of (D) made of
- (D) 35. These insect specimens bore no _____ to the ones we had seen earlier. We should report this to our director.
(A) representation (B) restoration
(C) requisition (D) resemblance
- (B) 36. The minister agreed that it was vital to protect the freedom of _____ their freedom to print news and fair opinion without being stopped by the government.
(A) news (B) the press (C) the news (D) information
- (D) 37. No matter how children are, adults should never slap them in public. This punishment may result in more serious behavior problems of children.
(A) enlightening (B) infallible
(C) reluctant (D) unruly
- (C) 38. I by when I noticed a suspicious looking stranger near your car.
(A) am driving (B) was driven (C) was driving (D) had been driven
- (A) 39. In our fast- , competitive, and globalizing world, many parents are eager to send their children to learn English.
(A) paced (B) speed (C) jumping (D) leaping

Earth's average temperature is about 60 F. It is 40 naturally, because nearly a third of the sun's warming energy is reflected back into space. The remaining energy is 41 by either the ground or the atmosphere. Greenhouse gases, 42 they are generated by nature or humans, trap some of the heat and hold on to it, as glass does in a greenhouse. If the concentration of greenhouse gases in the atmosphere 43 increase, then more heat likely would be retained, and global temperatures would rise.

- (D) 40. (A) formed (B) neutralized (C) regenerated (D) regulated
- (A) 41. (A) absorbed (B) consumed (C) evaporated (D) filtered
- (D) 42. (A) as (B) because (C) either (D) whether
- (C) 43. (A) are to (B) shall (C) were to (D) will
- (B) 44. Happiness is like a butterfly which appears and delights us for one brief moment, but soon flits away.
(A) Happiness is unreliable and should be dealt with carefully.
(B) Although happiness is beautiful and delightful, it is very short-lived.
(C) A butterfly will delight us for a while before it disappears.
(D) No matter how brief, the butterfly of happiness is beautiful to delight.
- (D) 45. Familiarity alone prevents our seeing how universally and largely the minds of

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our domestic animals have been modified by domestication.

- (A) The minds of our domestic animals can be largely predicted because we know them too well.
- (B) Many factors enable us to find out how domestic animals have become domestic.
- (C) Familiarity with our domestic animals has prevented us from domesticating other animals.
- (D) We don't see how domestic animals have been domesticated because of intimacy.

(A) 46. Boston's Museum of Fine Arts director Malcolm Rogers got a hard time from his critics, not for accepting Lauren's automobiles, but for succumbing to his public relations machinery.

- (A) Rogers was criticized for being influenced by Lauren's public relations strategies.
- (B) Rogers was criticized for being biased against Lauren's automobiles.
- (C) Rogers had a hard time accepting Lauren's automobiles and his public relations machinery.
- (D) Being good at public relations, Rogers gave a good review of Lauren's automobiles.

編號第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

I believe influence is the union of power and purpose. 47 But most importantly, she has purpose—an abiding commitment to the principles of goodness and generosity that transcend any one individual. I have sat with Oprah in interviews and in my home. 48 She makes you want to invite her into your life—and she invites you into hers.

Oprah, 52, reminds us that we who flourish in freedom have a moral responsibility to help others who have the desire to succeed but just need an opportunity. Oprah is helping create those opportunities. 49 In South Africa, the Oprah Winfrey Leadership Academy for Girls will educate a new generation of women leaders.

50 Those are the millions of ordinary men and women who long to improve themselves, to become better parents, kinder friends and stronger individuals. For those people, Oprah is an inspiration. She has struggled with many of the challenges that we all face, and she has transformed her life. Her message is empowering: I did it, and so can you.

- (C) 47. (A) For most people, Oprah's influence is less direct but no less meaningful.
- (B) Last year, Oprah launched a campaign to help victims of abuse find the justice they deserve.
- (C) As a TV star, magazine founder, businesswoman and celebrity, Oprah Winfrey certainly has power.
- (D) For example, out of her own pocket, Oprah Winfrey built new homes and gave new hope to 65 families who lost everything in Hurricane Katrina.
- (C) 48. (A) For most people, Oprah's influence is less direct but no less meaningful.
- (B) Last year, Oprah launched a campaign to help victims of abuse find the justice they deserve.
- (C) I have felt her warmth, and I am always moved by her deep love for others.
- (D) Oprah has received numerous honors, including the most prestigious awards and greatest media acclaim.

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- (D) 49. (A) For most people, Oprah' s influence is less direct but no less meaningful.
(B) I have felt her warmth, and I am always moved by her deep love for others.
(C) Oprah has received numerous honors, including the most prestigious awards and greatest media acclaim.
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