

## 97 年公務人員特種考試警察人員考試

等別：三等考試

類科：警察各類別

科目：法學知識與英文（包括中華民國憲法、法學緒論、英文）

- (A) 1. 司法院大法官釋字第603號解釋，有關人民換發身分證是否須捺指紋涉及對「隱私權」之限制。該隱私權屬憲法第幾條之保障範疇？  
(A)憲法第22條其他自由及權利 (B)憲法第7條平等權  
(C)憲法第11條表現自由 (D)憲法第12條秘密通訊自由
- (C) 2. 根據司法院大法官釋字第509號解釋，下列何種基本權利，具有追求真理、監督各種政治或社會活動的功能，國家應給予最大限度之維護？  
(A)職業自由 (B)宗教自由 (C)言論自由 (D)思想自由
- (D) 3. 行政程序法第6條：「行政行為，非有正當理由，不得為差別待遇。」其實可說是那一種憲法上基本權利的表現？  
(A)生存權 (B)訴訟權 (C)參政權 (D)平等權
- (A) 4. 國家以法律規定強制全體國民參加全民健康保險，是否違憲？  
(A)該規定係基於社會互助、危險分擔及公共利益之考量而來，符合憲法推行全民健保之意旨，故不違憲  
(B)因可能違反人民意願，增加支出，有侵害人民權利，故屬違憲  
(C)因為是國家既定政策，所以不會有違憲問題  
(D)已超越憲法所明文規定之納稅、服兵役及受國民教育三種義務，故屬違憲
- (C) 5. 下列何者是憲法第80條所稱的法官？  
(A)書記官 (B)檢察官  
(C)公務員懲戒委員會委員 (D)司法院秘書長
- (B) 6. 下列那一種人民的權利，因為憲法第13章「基本國策」之規定，而最受到最多之限制？  
(A)人身自由 (B)財產權 (C)結社自由 (D)服公職之權利
- (A) 7. 依憲法增修條文之規定，總統為避免人民遭遇緊急危難，得經行政院會議之決議發布緊急命令，但須於發布後10日內提交立法院追認，如立法院不同意時，該緊急命令之效力如何？  
(A)立即失效 (B)經總統確認後失效  
(C)經行政院確認後失效 (D)經司法院大法官解釋後失效
- (B) 8. 下列何者非公職人員選舉罷免法所規定不得登記為候選人？  
(A)軍校學生 (B)司法人員 (C)替代役男 (D)各級選舉委員會之委員
- (D) 9. 依憲法規定，選舉須以普通、平等、直接及無記名投票方式行之。下列敘述何者正確？  
(A)普通選舉是禁止立法者設定一般性的、適用於全體國民的限制性條件，例如禁止取得選舉權的年齡限制  
(B)政黨比例代表制並不屬於直接選舉，因政黨為被選舉的對象，而非候選人  
(C)於平等選舉的要求下，僅考慮投票權行使之平等性，並不考慮影響投票之種種活動之平等性  
(D)依無記名投票原則，投票人不必也不許揭示其票選的對象，而刺探選舉秘密者，依刑法規定，亦須負刑責
- (B) 10. 憲法規定，選舉訴訟由下列那一機關管轄？  
(A)中央選舉委員會 (B)法院  
(C)憲法法庭 (D)行政院
- (C) 11. 依司法院大法官解釋，國家機關依法行使公權力致人民之財產遭受損失，若逾其社會責任所應忍受之範圍，而形成個人之何種狀況時，國家應予合理補償？  
(A)普通犧牲者 (B)一般犧牲者 (C)特別犧牲者 (D)常態犧牲者
- (A) 12. 關於婦女參政權之保障，憲法規定有：

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- (A)婦女當選名額之保障 (B)婦女參選名額之保障  
(C)女性當選人免於罷免之保障 (D)女性候選人票數依男女比例加倍計算之保障
- (B) 13. 人民權利之限制，憲法明文規定應以法律規定者，稱為：  
(A)國會支配 (B)國會保留 (C)國會優位 (D)國會決定
- (B) 14. 依司法院大法官釋字第509號解釋，傳述誹謗事項之大眾傳播媒體的免責條件為何？  
(A)行為人須自行證明其言論內容確屬真實且有實據，始得免責  
(B)依行為人所提證據資料，認為其有相當理由確信其為真實者，即得免責  
(C)行為人提出所傳述事實之資料來源，即得免責  
(D)必須有其他證人出面作證，方得免責
- (D) 15. 依地方制度法第69條第2項規定，各級地方政府有依法得徵收之財源而不徵收者，上級政府得採下列何種處置？  
(A)課處罰鍰 (B)限期命其徵收 (C)代行徵收 (D)酌減補助款
- (D) 16. 有關性別工作平等法家庭照顧假的敘述，下列何者正確？  
(A)僅限女性受僱者，男性受僱者不得請家庭照顧假  
(B)家庭照顧假之請假日數，不計入事假之日數計算  
(C)受僱於雇用五十人以上雇主之受僱者，才能請家庭照顧假  
(D)受僱者之配偶未就業時，須有正當理由才能請家庭照顧假
- (B) 17. 2003年修正公布之刑事訴訟法，對審判實務最大的衝擊在於引進何種與當事人主義有關之制度？  
(A)和解成立即撤回告訴之制度 (B)交互詰問制度  
(C)緩起訴制度 (D)當事人合意決定法官人選制度
- (B) 18. 以下法律，何者業經廢除並另訂新法？  
(A)老人福利法 (B)兒童福利法  
(C)勞工退休金條例 (D)社會救助法
- (A) 19. 管制藥品管理條例係由下列何者所公布？  
(A)總統 (B)行政院 (C)行政院衛生署 (D)立法院
- (B) 20. 對於某種事實之存在或不存在，依據法的政策而為暫時的假設，稱為：  
(A)擬制 (B)推定 (C)類推適用 (D)適用
- (D) 21. 以下何者屬行政機關適用法律之原則？  
(A)原則上不告不理，例外依職權處理  
(B)違規情節重大者，一事得二罰  
(C)法無明文禁止裁量者，行政機關即得任意自由裁量  
(D)上級機關得發布統一解釋法令之行政規則
- (A) 22. 下列何種敘述與法律保留原則有關？  
(A)租稅法定原則 (B)量能課稅原則 (C)稅收效率原則 (D)租稅公平原則
- (D) 23. 下列何者並未設置消費者保護官？  
(A)行政院消費者保護委員會 (B)直轄市政府  
(C)縣(市)政府 (D)消費者保護團體
- (A) 24. 下列有關授與代理權之敘述，何者錯誤？  
(A)代理權之授與應以書面為之，故應為要式行為  
(B)代理權之授與得以書面或口頭為之  
(C)代理權之授與得為明示或默示之意思表示  
(D)代理權之授與以意思表示為之即可，不必為一定之方式
- (B) 25. 依據司法院大法官解釋的認定，全民健康保險特約醫事服務機構合約的性質為何？  
(A)醫療契約 (B)行政契約 (C)行政命令 (D)私法契約
- (A) 26. 設甲有一棟房子先賣給乙，又賣給丙，最後又賣給丁，皆未完成登記。下列敘述何者正確？  
(A)丙、丁購買在後，但與乙同樣有權請求甲交屋並移轉所有權

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- (B)甲先將房子賣給乙，故只有乙可請求甲交屋並將所有權登記給乙  
(C)丁為最後之買主，故只有丁可請求甲交屋並將所有權登記給丁  
(D)甲若將所有權移轉登記給丙，乙可主張撤銷，因乙是最先之買受人
- (A) 27. 甲從美國寄一盒有毒的巧克力給住在台北的乙，乙出國，回國後，將已發霉的巧克力丟掉。甲的行為是：  
(A)障礙未遂 (B)中止未遂 (C)不能未遂 (D)未了未遂
- (C) 28. 下列何者不屬於勞動基準法所規定之勞工？  
(A)電器工廠中的作業員 (B)貿易公司的秘書人員  
(C)職業棒球運動員 (D)學校的技工、工友
- (B) 29. 下列關於刑法與陸海空軍刑法之敘述，何者為正確？  
(A)兩者均為特別法  
(B)陸海空軍刑法為刑法之特別法  
(C)陸海空軍刑法為以事為標準之特別法  
(D)刑法應優先於陸海空軍刑法適用
- (D) 30. 關於抵押權之敘述，下列何者錯誤？  
(A)為擔保物權  
(B)得以不動產為標的  
(C)同一標的設定有數抵押權時，抵押登記在先者優先受清償  
(D)抵押權人須占有抵押物
- (B) 31. He has spent all his money and now he has to \_\_\_\_\_. I'm not going to lend him a penny.  
(A) feed me up (B) face the music  
(C) turn me down (D) meet me half way
- (A) 32. In a typical school day, when you walk around the campus, all that can be heard are the teachers' voices \_\_\_\_\_ from the classrooms.  
(A) emanating (B) incubating (C) overhearing (D) tranquilizing
- (D) 33. I was \_\_\_\_\_ surprised when hearing about her sudden decision to give up her career.  
(A) someday (B) somewhere (C) sometimes (D) somewhat
- (D) 34. The house was so packed that the guests \_\_\_\_\_ to the backyard and onto the front porch.  
(A) fled away (B) slipped out (C) hung about (D) spilled out
- (A) 35. The worm habitats differ considerably \_\_\_\_\_ size, location, and humidity.  
(A) in (B) from (C) than (D) at
- (B) 36. Looking at my high school year book, I could not help but feel \_\_\_\_\_. How I missed those good old days!  
(A) hypocritical (B) nostalgic  
(C) phlegmatic (D) submissive
- (A) 37. It has not rained for months. Many people worry that \_\_\_\_\_ will not be enough water this summer.  
(A) there (B) others (C) they (D) it
- (C) 38. The volunteer musicians were putting \_\_\_\_\_ a little show with Latin music.  
(A) out (B) to (C) on (D) in
- (A) 39. In many small offices, office management matters are too trivial \_\_\_\_\_ the chief executive's attention, so the responsibility of maintaining office functions should be delegated to the head clerk or secretary.  
(A) for (B) to be (C) as (D) about

There are roughly three New Yorks. There is, first, the New York of the man or woman

who was born there, who takes the city for granted and accepts its size and its turbulence as natural and 40 . Second, there is the New York of the commuter—the city that is devoured by locusts each day and spat out each night. Third, there is the New York of the person who was born somewhere else and came to New York in 41 of something. Of these three trembling cities the greatest is the last—the city of 42 , the city that is a goal. It is this third city that 43 New York's high-strung disposition, its poetical 44 , its dedication to the arts, and its incomparable achievements. Commuters give the city its tidal restlessness; natives give it solidity and continuity; but the settlers give it passion.

- (C) 40. (A) innumerable (B) intolerable (C) inevitable (D) inconceivable  
(D) 41. (A) lieu (B) doubt (C) danger (D) quest  
(B) 42. (A) initial investment (B) final destination  
(C) tentative plan (D) temporary accommodation  
(B) 43. (A) results from (B) accounts for  
(C) competes against (D) disagrees with  
(A) 44. (A) deportment (B) department (C) depredation (D) deprivation  
(B) 45. There are no hard and fast conventions about the right and wrong clothes to wear at a party.  
(A) There are no quick ways to dress oneself at a party.  
(B) There are no rigid rules about how to dress oneself at a party.  
(C) It isn't a convention for someone to dress up at a party.  
(D) It isn't the matter of what you wear at a party but the rules you have to follow.

For sushi aficionados, the essence of the Atlantic bluefin tuna is its fat-laced, butter-soft belly meat, called toro. For those who seek the bluefin from Cape Hatteras off the coast of North Carolina to the frigid waters south of Iceland to the balmy Mediterranean, the fish are a potential bonanza, with choice specimens selling for \$50,000 or more in Tokyo. But the intensifying trade in bluefin may soon empty the waters of this master of the sea. In just the last 35 years, exploding markets for sushi-grade tuna, combined with industrial-scale hunts aided by satellites and spotters in airplanes, have devastated not only the fish but also many fisheries. Dozens of Mediterranean towns that maintained coastal net traps for half a millennium or more are turning away from now-barren waters. Anglers off New England now scour the seas for scattered fish. Most valuable, marine biologists say, is the apparently distinct population of bluefin tuna that breeds in the Gulf of Mexico. The threat to the bluefin was underscored recently by researchers who have tracked hundreds of the fish using electronic tags. They found that the tuna that spawn in the west, which are most severely depleted, are threatened by an ever-broadening gantlet of hooks, seines, harpoons, traps and now farm-style pens, in which netted fish are raised and fattened—all to supply the Japanese sushi trade.

- (C) 46. What does the word "choice" mean in the passage?  
(A) Option (B) Variety  
(C) High-quality (D) Mixture  
(C) 47. What is the main idea of the passage?  
(A) Many people, especially the Japanese, love sushi made from bluefin tuna.  
(B) Modern technology has replaced traditional ways to catch the bluefin tuna.  
(C) The bluefin tuna is being endangered by man's excessive hunting.  
(D) The best part of the bluefin tuna is its fat-laced, butter-soft belly meat.

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- (A) 48. What does the modern fishing industry use to help hunt fish on a large scale?  
(A) Satellites (B) Coastal net traps  
(C) Angling (D) Rocket-propelled harpoons
- (A) 49. What does “sushi aficionados” mean?  
(A) Sushi lovers (B) Sushi buyers  
(C) Sushi sellers (D) Sushi chefs
- (A) 50. According to the passage, can the bluefin fish survive a considerable range of temperatures?  
(A) Yes, they are found in a wide range of temperatures.  
(B) No, they are only found in warm waters.  
(C) No, they are only found in cold waters.  
(D) The information is not given in the passage.

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