

## 99 年公務人員普通考試試題

類 科：各類科

科 目：法學知識與英文（包括中華民國憲法、法學緒論、英文）

- (D) 1. 我國司法院釋字第 328 號，如何解釋憲法第 4 條關於中華民國「固有疆域」之範圍？  
(A)包括中國大陸、外蒙古和臺澎金馬  
(B)包括中國大陸和臺澎金馬  
(C)僅包括臺澎金馬  
(D)屬重大政治問題，釋憲機關不予解釋
- (D) 2. 依憲法增修條文第 10 條之規定，有關國家應保障原住民族之政治參與之敘述，下列何者正確？  
(A)國家依法要求各私營企業須僱用一定比例之原住民，即為直接保障原住民族之政治參與之表現  
(B)為突顯國家保障原住民族之政治參與，國家不得保障其他特定群體之政治參與  
(C)原住民族政治參與之保障，應於其整體教育水準達一定程度以上方得開始  
(D)國家應依民族意願，保障原住民族之政治參與
- (B) 3. 依憲法增修條文第 12 條規定，修憲案經合法提出並公告後，若我國自由地區選舉人總數為一千四百萬，參與複決投票者為一千兩百萬，應有多少同意票，修憲案方為通過？  
(A)七百萬票 (B)七百萬零一票 (C)六百萬 (D)六百萬零一票
- (B) 4. 下列何者屬於我國憲法上的社會權規定？  
(A)結社權 (B)受教育權 (C)服公職權 (D)應考試權
- (D) 5. 人民為解決公法爭議得提起行政訴訟，此屬於人民之何種權利？  
(A)社會權 (B)參政權 (C)行政受益權 (D)司法受益權
- (B) 6. 依司法院大法官解釋，提審法上之提審制度，主要係保障何種人權？  
(A)言論自由權 (B)人身自由權  
(C)居住遷徙自由權 (D)平等權
- (B) 7. 憲法第 23 條的比例原則，其中有三個子原則，其中「有多種同樣能達成目的之方法時，應選擇對人民權益損害最少者」，乃屬於那個原則？  
(A)適當性原則 (B)必要性原則 (C)過度禁止原則 (D)視情況而定
- (C) 8. 依憲法增修條文之規定，總統、副總統之彈劾案，經立法院決議通過後，由下列何者審理之？  
(A)監察院 (B)高等法院 (C)司法院大法官 (D)公務員懲戒委員會
- (B) 9. 國家對人民違反法定義務之處罰，應以法律定之。此係何種憲法原則？  
(A)法律優位原則 (B)法律保留原則 (C)一行為不二罰原則 (D)比例原則
- (A) 10. 依憲法增修條文的規定，若立法院通過對行政院院長的不信任案，下列敘述何者正確？  
(A)行政院院長應辭職，並得同時呈請總統解散立法院  
(B)行政院院長應辭職，立法院因此自動解散  
(C)行政院院長得決定是否辭職，並得同時呈請總統解散立法院  
(D)行政院院長得決定是否辭職，立法院是否自動解散，視行政院院長辭職與否而定
- (B) 11. 人民以公民投票方式，議決國家重要事項，依司法院釋字第 645 號解釋，其憲法上法源基礎為何？  
(A)憲法第 7 條平等權  
(B)憲法第 17 條人民有創制、複決之權  
(C)憲法第 18 條人民有應考試服公職之權  
(D)憲法第 22 條一般行為自由與第 23 條比例原則
- (A) 12. 有關立法院對於行政院所提預算案的敘述，下列何者為正確？  
(A)立法院可以刪減，但不得為增加支出之提議  
(B)立法院可以刪減，亦得為增加支出之提議

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- (C)立法院不得刪減，但得為增加支出之提議  
(D)立法院不得刪減，亦不得為增加支出之提議
- (B) 13. 下列那個機關有權審理政黨違憲之解散事項？  
(A)內政部 (B)司法院憲法法庭 (C)最高法院 (D)最高行政法院
- (C) 14. 下列何者不屬於考試院之職權？  
(A)公務員之銓敘 (B)公務員之考績 (C)公務員之懲戒 (D)公務員之撫卹
- (C) 15. 關於中央與地方之權限爭議，憲法規定由何一機關解決之？  
(A)總統 (B)司法院大法官 (C)立法院 (D)行政院
- (C) 16. 下列何者，以批判概念法學為目標？  
(A)立憲主義 (B)羅馬法繼承 (C)自由法運動 (D)天賦人權
- (A) 17. 以下法律，何者是公元 2000 年以後新制定的法律？  
(A)國民年金法 (B)全民健康保險法 (C)就業服務法 (D)勞工保險條例
- (D) 18. 下列一般、抽象之規定中，何者居於最高之法位階？  
(A)違法經營電子遊戲場業裁罰基準  
(B)臺北縣電子遊戲場業設置自治條例  
(C)電子遊戲場業公共意外責任險投保辦法  
(D)電子遊戲場業管理條例
- (A) 19. 依中央法規標準法之規定，法規有下列何種情形者，修正之？  
(A)因有關法規之修正而應配合修正者  
(B)機關裁併，有關法規無保留之必要者  
(C)法規因有關法規之修正致失其依據，而無單獨施行之必要者  
(D)同一事項已定有新法規，並公布或發布施行者
- (C) 20. 有關法律制定程序的描述，下列何者正確？  
(A)法律案只能由行政院提出 (B)立法院黨團無權提出法律案  
(C)法律應經立法院通過 (D)法律應經行政院會議通過
- (C) 21. 下列何者為法律適用之原則？  
(A)法無擬制之明文亦可於個案中進行擬制  
(B)法律所推定之事實不得舉證推翻  
(C)特別法應優先於普通法適用  
(D)法律違憲即無效，行政機關得逕行拒絕適用
- (A) 22. 法律適用上，探討生活事實與法律構成要件是否相符之問題，係運用下列何一方式來進行？  
(A)涵攝 (B)認定 (C)推定 (D)解釋
- (B) 23. 下列何者非特別人格權？  
(A)信用 (B)信仰 (C)姓名 (D)自由
- (A) 24. 現代民主國家採用權力分立制度的原因為何？  
(A)政治學理論上認為，權力集中必然導致濫權，有害人民權利保障，故須採用權力分立的制度  
(B)因權力分立制度較有利於行政權的推展  
(C)因權力分立可使國家威權獲得實現  
(D)因為權力分立制度，可以落實君權神授的理想
- (C) 25. 下列何種情形，被害人乙不得請求甲賠償慰撫金？  
(A)甲綁架乙之小孩  
(B)甲不法侵害孕婦乙之胎兒致死  
(C)甲不法侵害乙公司之信譽  
(D)甲將乙送修電腦中硬碟所儲存的私密淫照曝光
- (D) 26. 下列何者在刑法上不處罰？  
(A)即成犯 (B)繼續犯 (C)不作為犯 (D)不能犯

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- (B) 27. 依據刑法第 63 條規定，以下何者，不得處死刑或無期徒刑，本刑為死刑或無期徒刑者，減輕其刑？  
(A) 滿 20 歲之犯罪人 (B) 未滿 18 歲之犯罪人  
(C) 滿 60 歲，但未滿 80 歲之犯罪人 (D) 18 歲以上，但未滿 20 歲之犯罪人
- (C) 28. 有關性別工作平等法陪產假之敘述，下列何者正確？  
(A) 雇主於受僱者之陪產假期間，無需給付工資  
(B) 受僱者之陪產假之請假日數，併入病假計算  
(C) 雇主於受僱者之配偶分娩時，應給予受僱者陪產假三日  
(D) 雇主於受僱者之家屬分娩時，應給予受僱者陪產假一日
- (B) 29. 關於著作合理使用之敘述，下列何者正確？  
(A) 符合著作之合理使用者，不構成著作財產權及著作人格權之侵害  
(B) 合法電腦程式著作重製物之所有人，有權重製該程式之備份，以供自己備用存檔之需要  
(C) 合法電腦程式著作重製物之所有人，得出租該重製物  
(D) 依法設立之各級學校，因授課需要得合理重製他人公開著作，但不得改作該著作
- (D) 30. 下列那一項全民健康保險的給付，保險對象無需自行負擔費用？  
(A) 門診 (B) 急診 (C) 住院 (D) 分娩
- (A) 31. The challenging job required a strong, successful, and \_\_\_\_\_ candidate.  
(A) dynamic (B) divine (C) dual (D) dubious
- (D) 32. Mother Teresa \_\_\_\_\_ her life \_\_\_\_\_ aiding the sick and the homeless. Her selfless love has been highly praised by the world:  
(A) regarded...as (B) released...from  
(C) transformed...into (D) devoted...to
- (D) 33. A: Why is your coat so wet? B: It was \_\_\_\_\_ when I arrived.  
(A) appealing (B) bleeding (C) dragging (D) pouring
- (A) 34. Nowadays, \_\_\_\_\_ is a much better and wiser means than military force to solve differences or problems between nations.  
(A) negotiation (B) argumentation  
(C) transportation (D) demonstration
- (B) 35. Middle children often feel less important than their older or younger \_\_\_\_\_.  
(A) generation (B) siblings (C) offspring (D) ancestors
- (C) 36. The police \_\_\_\_\_ the crime. They wanted to find out who did it so that they could get the criminals.  
(A) committed (B) developed (C) investigated (D) dissolved
- (A) 37. Do you know \_\_\_\_\_ ?  
(A) what has happened to Martin  
(B) who is that man at the door  
(C) how can we make our English better  
(D) where does he live in America
- (B) 38. Owing to human greed, there is little chance of \_\_\_\_\_ peace in the world.  
(A) thankful (B) permanent (C) sensitive (D) pessimistic

請依下文回答第 39~43 題

The history of electronic mailing goes all the way back to 1969 when a professor at UCLA sent the first message via computer to a colleague at Stanford. The computer which sent the first message actually crashed right after the message was sent, but the message did reach its \_\_\_\_\_ 39 \_\_\_\_\_ at Stanford. E-mail was born.

Today, e-mail \_\_\_\_\_ 40 \_\_\_\_\_ communication. In 2002, the Internet provider AOL alone reported handling over 42 million e-mails each day. When the number of e-mails

worldwide is 41 to the number of pieces of mail sent each day. you will find that e-mail usage is more than seven times higher than “snail mail” usage. It is not hard to imagine why this is the case since the cost of sending postcards and letters is much higher, 42 the fact that e-mail is more convenient than having to visit your mailbox or local post office. E-mail messages also beat postal delivery time hands down. 43 an international letter might take a week or more for delivery, an e-mail can be sent and responded to the same day.

- (D) 39. (A)adoption (B)summit (C)reception (D)destination  
(B) 40. (A)monitors (B)dominates (C)exceeds (D)excludes  
(D) 41. (A)linked (B)added (C)related (D)compared  
(D) 42. (A)despite (B)except (C)even though (D)not to mention  
(C) 43. (A)Because (B)If (C)While (D)Though  
(C) 44. Harry: Hey, John, you know what? Mike said he spent five days walking across America.  
John: Do you believe it? \_\_\_\_\_ I don't believe it at all.  
(A) It's the last straw that breaks the camel's back  
(B) What a close call!  
(C) It is but a tall tale.  
(D) Don't you think it's a piece of cake?  
(A) 45. Paul: It's wonderful to see you here, John, but I've lots of work to do. I'd better run.  
John: \_\_\_\_\_ We really should get together sometime.  
Paul: Sure. See you soon. I'll call you.  
John: OK. Bye.  
(A) Nice seeing you again, too. (B) Please go ahead.  
(C) You deserve it. (D) That's fantastic.

請依下文回答第 46~50 題

Do you have trouble picking out a friend's face among a group of people? There's a name for your condition: prosopagnosia, or face blindness. The disorder was thought to be exceedingly rare and mainly a result of brain injury. But last month a team of German researchers took the first stab at charting its prevalence, and the results were remarkable. The new study showed that prosopagnosia is highly heritable and surprisingly common, afflicting, in some form, about 1 in 50 people—more than 5 million in the US alone. “That's huge,” says Dr. Thomas Gruter of the Institute of Human Genetics in Munster. “It was a real surprise.”

Within that group of sufferers, however, the condition varies widely. For the vast majority, the problem is not so much about detecting a face—prosopagnosics can see eyes, noses, and mouths as clearly as anyone else—as it is about recognizing the same set of features when seeing them again. While mild prosopagnosics can train themselves to memorize a limited number of faces, others grapple with identifying family members and, in extreme cases, their own faces. Gaylen Howard, 40, a homemaker in Boulder, Colo, says that when she's standing in front of a mirror in a crowded restroom, she makes a funny face so that, as she puts it, “I can tell which one is me.”

Most prosopagnosics learn to cope early on. They distinguish people based on cues like hairstyle, voice, or body shape. They shun places where they could unexpectedly run into someone they know. They pretend to be lost in thought while walking down the street. They act friendly to everyone—or to no one. In short, they become expert

at masking their dysfunction. “This is probably why the disorder went unnoticed for so long,” says Gruter.

- (A) 46. What is “prosopagnosia?”
- (A) A difficulty in recognizing a face seen before.
  - (B) A failure to detect a face that one has never seen.
  - (C) A disability to distinguish one facial expression from another.
  - (D) A blindness that makes people unable to see others’ faces.
- (B) 47. According to the passage, which of the following is true about prosopagnosia?
- (A) It is exceedingly rare.
  - (B) It affects around one in fifty people.
  - (C) It is mainly caused by injury in the brains.
  - (D) It is unlikely to be passed down to one’s children.
- (B) 48. Which of the following statements is NOT true?
- (A) The condition of people suffering from prosopagnosia varies greatly.
  - (B) Most prosopagnosics fail to deal with the disorder throughout their lives.
  - (C) A group of German scientists were the first to study the prevalence of prosopagnosia.
  - (D) Some sufferers of prosopagnosia may not be able to identify their family members.
- (B) 49. What does the word “shun” in the last paragraph mean?
- (A) Visit.            (B) Avoid.            (C) Adapt to.            (D) Deal with.
- (C) 50. What does the sentence “They act friendly to everyone—or to no one” in the last paragraph mean?
- (A) They try to please everybody by being nice to them.
  - (B) They pretend to like everyone but actually like no one.
  - (C) They attempt to conceal their problem by treating everyone in the same way.
  - (D) They seek comfort in making friends with everyone they don’t know.

王