

## 99 年第二次公務人員特種考試司法人員考試試題

等 別：三等考試

類 科：公證人、觀護人、行政執行官、法院書記官、檢察事務官各組、監獄官、公職法醫師、鑑識人員

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. 關於共和國之意義與特徵，下列敘述何者錯誤？
- (A) 共和國係與君主國相對稱
  - (B) 共和國之國家元首，係由人民直接或間接選舉產生
  - (C) 共和國之國家元首有一定之任期
  - (D) 依司法院大法官釋字第 499 號解釋，共和國原則關於修憲得變更之事項
- (C) 2. 下列那一種國家權力在我國憲法上有關中央與地方之權限分配中，係專屬中央者？
- (A) 立法權
  - (B) 行政權
  - (C) 司法權
  - (D) 租稅權
- (B) 3. 有關直轄市「自治事項」與「委辦事項」之區分，下列敘述何者錯誤？
- (A) 自治事項為直轄市依法得自為立法並執行之事項；委辦事項則為直轄市執行中央交付辦理之事項
  - (B) 針對自治事項，直轄市議會及政府均有制(訂)定法規之可能；但針對委辦事項，原則上僅有直轄市議會有訂定法規之可能
  - (C) 針對自治事項，中央對直轄市僅得為適法性之監督；針對委辦事項，則並得及於適當性監督
  - (D) 直轄市辦理自治事項而作成行政處分時，受理訴願機關得進行適法性審查；於委辦事項之情形，則得亦就適當性審查
- (A) 4. 依憲法增修條文第 10 條第 13 項之規定，國家對於僑居國外國民之政治參與，應予保障，下列何種選舉有僑居國外國民之代表名額？
- (A) 立法委員選舉
  - (B) 直轄市議員選舉
  - (C) 縣市議員選舉
  - (D) 鄉鎮市民代表選舉
- (B) 5. 依司法院大法官解釋，下列何者違反平等原則？
- (A) 大陸地區人民經許可進入台灣地區者，非在台灣地區設有戶籍滿十年，不得擔任公務人員
  - (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) 對於九二一大地震災區住屋全倒、半倒者，發給慰助金之對象，以設籍、實際居住於受災屋與否作為判斷依據
  - (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中，對酒類及食品則未有類似規定
- (B) 6. 一般民眾得依一定條件，要求傳播媒體提供版面或時間，許其行使表達意見之權利，是指下列何項權利？
- (A) 講學自由
  - (B) 接近使用傳播媒體之權利
  - (C) 出版權利
  - (D) 秘密通訊自由
- (D) 7. 有關憲法保障之結社自由，下列敘述何者錯誤？
- (A) 乃在全體人民利用結社之形式以追求共同理念，實現共同目標
  - (B) 包含設立、加入、內部運作之自由
  - (C) 包含退出、合併與解散團體之自由
  - (D) 為維護社團之紀律，社團對社員只能要求社員自律，不得對其進行懲戒罰
- (C) 8. 有關國家強制全民參加全民健康保險及繳納保費之規定，依司法院大法官解釋，下列敘述何者錯誤？
- (A) 係國家為達成全民納入健康保險，以履行對全體國民提供健康照護之責任所必要之手段
  - (B) 雖對人民的自我決定權及財產權構成限制，但仍合於憲法第 23 條之要求
  - (C) 增加原來參加勞保、公保、農保等被保險人之保費負擔，已違反信賴保護原則而違憲
  - (D) 對於無力繳納保費者，國家仍應給予適當之救助，不得逕行拒絕給付，此乃基於國家的

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- (A) 9. 依公職人員選舉罷免法第 126 條之規定，選舉、罷免訴訟屬於下列何一司法機關之審判權範圍？  
(A)普通法院 (B)行政法院 (C)司法院大法官 (D)公務員懲戒委員會
- (B) 10. 依憲法增修條文之規定，有關總統發布緊急命令之敘述，下列何者正確？  
(A)緊急命令僅得於立法院休會期間發布之  
(B)緊急命令之發布須經行政院會議之決議  
(C)緊急命令須依緊急命令法發布之  
(D)緊急命令須經立法院同意後始得發布之
- (B) 11. 行政院院長或有關部會首長，何時應向立法院院會提出報告，並備質詢？  
(A)行政院向立法院提出覆議時  
(B)行政院遇有施政方針或重要政策變更時  
(C)行政院院長提名各部會首長時  
(D)立法院對於行政院院長提出不信任案時
- (A) 12. 依司法院大法官之解釋，預算案經立法院通過及公布手續者，為法定預算，其形式上與下列何者相當？  
(A)法律 (B)條約 (C)行政計畫 (D)行政指導
- (D) 13. 下列何者非立法院院長之職務？  
(A)參加總統召集之院際調解 (B)擔任立法院院會主席  
(C)綜理立法院院務 (D)決定召開臨時會
- (B) 14. 法官於個案審判時，若認為應適用之自治規則與法律牴觸者，其可採取何種措施？  
(A)得宣告自治規則無效 (B)得拒絕適用該自治規則  
(C)得向最高法院聲請解釋 (D)只能適用該自治規則
- (D) 15. 下列何者屬於憲法規定監察院行使糾正權之對象？  
(A)總統 (B)考試院  
(C)司法院及各級法院 (D)行政院及其有關部會
- (D) 16. 有關我國法院裁判之敘述，下列何者錯誤？  
(A)法院得依據法規命令做裁判 (B)法院不得依據違反公序良俗之習慣做裁判  
(C)法院得依據判例做裁判 (D)法院不得補充法律漏洞而做裁判
- (C) 17. 我國現行六法全書的「基本六法」，完成於下列那個時期？  
(A)清朝末年的資政院時期 (B)民國初年的大理院時期  
(C)南京國民政府時期 (D)日本殖民統治時期
- (B) 18. 下列有關法律廢止之敘述，何者正確？  
(A)法律之廢止須逐條公布廢止之條文  
(B)廢止之法律自公布之日起算至第三日起失效  
(C)法律之廢止由立法院院長公布之  
(D)法律定有施行期限者，期限屆滿仍須經法律廢止程序廢止之
- (A) 19. 依地方制度法之規定，下列何種事項應以自治條例定之？  
(A)限制居民之權利事項 (B)所有給付行政事項  
(C)土地徵收之要件及補償費之計算 (D)營利事業所得稅之稅率
- (A) 20. 行政罰法第 5 條規定略以，行為後法律有變更者，適用行政機關最初裁處時之法律。但裁處前之法律有利於受處罰者，適用最有利於受處罰者之規定。此一規定係下列何項原則的落實？  
(A)從新從優 (B)後法優於前法  
(C)特別法優於普通法 (D)法律不溯及既往
- (C) 21. 有關法律保留原則之敘述，下列何者正確？  
(A)為使法律適用靈活起見，法律得概括授權法規命令為各式規定  
(B)法律授權是否明確，以行政長官本身的意志是否具有可預見性為準

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- (C)法律是否有授權，得以法律整體的意義關聯作為判斷基準  
(D)法律授權是否明確，僅以法律授權目的是否明確即為已足
- (B) 22. 依刑事訴訟法令受理案件遭受冤獄之人得請求冤獄賠償，但依軍事審判法令受理案件之受害人則不得請求，係違反下列何種原則？  
(A)福利原則 (B)平等原則 (C)比例原則 (D)誠信原則
- (A) 23. 下列有關消滅時效完成的敘述，何者正確？  
(A)時效完成後，債務人得拋棄時效之利益  
(B)以抵押權、質權或留置權擔保之請求權，經時效消滅者，抵押物、質物或留置物之所有人得拒絕債權人之取償  
(C)請求權已經時效消滅，債務人以契約承認該債務或提出擔保者，其承認或擔保無效  
(D)主權利因時效消滅者，從權利不因此而受影響
- (A) 24. 有關繼承人僅須以因繼承所得之遺產，償還被繼承人之債務的制度，在我國民法上稱為：  
(A)限定繼承 (B)部分繼承 (C)債務不繼承 (D)清算繼承
- (A) 25. 夫妻若適用法定財產制，當其中一方死亡時，有關剩餘財產分配與遺產繼承之間的關係，下列敘述何者正確？  
(A)死亡一方之婚後財產扣除應剩餘財產分配予他方之數額後，始為遺產繼承之標的  
(B)死亡一方之婚後財產扣除他方之特留分之後，始為剩餘財產分配之標的  
(C)死亡一方之婚前財產扣除應剩餘財產分配予他方之數額後，始為遺產繼承之標的  
(D)死亡一方之婚前財產扣除他方之特留分之後，始為剩餘財產分配之標的
- (C) 26. 甲雖然是家財萬貫之富翁，但經常在無法控制下到大賣場竊盜，某日被發現移送法辦。針對甲的竊盜行為，法院宣告三個月有期徒刑，並宣告緩刑。下列何者不是刑法第 74 條第 2 項所定法院可以附加之緩刑條件？  
(A)命向被害人道歉  
(B)命向被害人支付相當數額之財產或非財產上之損害賠償  
(C)禁止外出  
(D)命完成戒癮治療、精神治療、心理輔導或其他適當之處遇措施
- (A) 27. 刑法總則第四章章名為「正犯與共犯」，所謂「共犯」一詞，包含：  
(A)教唆犯與幫助犯 (B)共同正犯、教唆犯與幫助犯  
(C)共同正犯與教唆犯 (D)共同正犯與幫助犯
- (D) 28. 下列何項行為侵害著作權？  
(A)以台北 101 大樓為背景拍照留念  
(B)於台灣誠品書店購買之書籍，閱畢後以網路拍賣之方式販售台灣地區之他人  
(C)利用圖書館之影印機，重製一本販售中書籍的 5 頁，該書籍總頁數為 300 頁  
(D)未得著作權人之同意，於網站上轉載其整篇旅遊希臘的文章
- (A) 29. 下列那一項不屬於全民健康保險之保險事故？  
(A)殘廢 (B)疾病 (C)傷害 (D)生育
- (B) 30. 下列有關家庭暴力防治所規定的保護令聲請程序，何者正確？  
(A)聲請保護令之要件有欠缺者，法院應以裁定駁回之，不得補正  
(B)被害人為未成年者，其法定代理人、三親等內之血親或姻親得為其向法院聲請之  
(C)保護令之聲請，由加害人之住居所地、相對人之住居所地或家庭暴力發生地之法院管轄  
(D)保護令之聲請，應以書面為之。被害人受有家庭暴力之急迫危險者，得以言詞為之，但應於二十四小時之內補送書面聲請
- (A) 31. All his family members attended the \_\_\_\_\_ because they wanted to congratulate him on obtaining a college diploma in person.  
(A) commencement (B) cremation (C) inauguration (D) matrimony
- (D) 32. Why see a psychic? Making the most of free will, a person can change his future.  
(A) It is important to see a psychic and try their best if people wish to change



- their future.
- (B) The reason for seeing a psychic is to help people use their free will to change their future.
- (C) People can gain mental strengths from a psychic to help them make changes for their future.
- (D) To have a different future, people should depend on themselves instead of listening to a psychic.
- (C) 33. Those who, while disapproving of the character and measures of a government, yield to it their allegiance and support, are undoubtedly the most serious obstacles to reform.
- (A) Those allegiant to a government and supporting its measures despite their disapproving opinions make reform possible.
- (B) Those serious about their disapproving opinions to a government' s character and measures make reform inevitable.
- (C) Those silent about their disapproving opinions and remaining allegiant to a government make reform difficult.
- (D) Those objecting to a government in spite of their allegiance and support pose the greatest difficulties to reform.
- (B) 34. This dimpled, soft-spoken gentleman is proving again what has always been true: that American cinema is nourished by the artistry and vision of foreigners.
- (A) Some foreigners, like the dimpled and soft-spoken gentleman, have proven the artistry and vision of American cinema.
- (B) Some foreigners, like the dimpled and soft-spoken gentleman, have contributed their artistry and vision to American cinema.
- (C) Some foreigners, like the dimpled and soft-spoken gentleman, have developed their artistry and vision through American cinema.
- (D) Some foreigners, like the dimpled and soft-spoken gentleman, have been nourished by the artistry and vision of American cinema.
- (D) 35. People who don' t think ahead and plan for their future often find themselves in a sorry \_\_\_\_.
- (A) forgery (B) fracas (C) plateau (D) plight
- (C) 36. The \_\_\_\_ of Taipei include CKS Memorial Hall, the Grand Hotel, Taipei 101 and Lung Shan Temple. Once you see these buildings, you know where you are.
- (A) documents (B) monuments (C) landmarks (D) skyscrapers
- (A) 37. It is not an overstatement to say that most people in the US are close to being obsessed with their physical appearance.
- (A) Most people in the US are very concerned with how they look.
- (B) Most people in the US are rarely obsessed with their physical appearance.
- (C) It is exaggerating to say that most people in the US are almost obsessed with how they look.
- (D) It is not too strong to say that most people in the US are not concerned with their physical appearance.
- (C) 38. As the global economy falters, inflation is causing the discomfort, affecting human lives both materially and spiritually.
- (A) Human lives are suffering a great deal both materially and spiritually as the global economy takes a turn for the worse.
- (B) Human lives will not be comfortable again, both materially and spiritually , until the global economic situation gets better.

- (C) Inflation, caused by the global economic downturn, is making human lives less comfortable both materially and spiritually.
- (D) Inflation is not only affecting the global economy but also causing the discomfort in human lives both materially and spiritually.
- (A) 39. It is hard to describe \_\_\_\_\_ if feels like to go to prison.  
(A) what (B) how (C) which (D) that
- (B) 40. Joseph was so smart and so lucky. He would invariably lie his way out of a tight corner, a temporary \_\_\_\_\_ to which he often resorted.  
(A) expenditure (B) expedient (C) expedition (D) exponent
- (C) 41. Before deliberating on the case, the jury needs to know whether the action was deliberate or \_\_\_\_\_.  
(A) inconsumable (B) irrational (C) unintentional (D) impermissible

People used to attribute addiction to a combination of factors. These include early exposure to a drug, early life emotional trauma, physical or sexual abuse, and certain psychiatric conditions. 42

Individuals who are genetically predisposed to any type of addiction have a defective gene in the part of the brain responsible for the manufacture of dopamine, the neurotransmitter involved with drugs. Cocaine, heroin, nicotine, amphetamines, and other addictive drugs alter the brain's pleasure circuit, producing a feel-good sensation. The pleasure circuit communicates in the chemical language of dopamine, and this neurotransmitter zips from neuron to neuron in the brain like a molecular happy face to produce feelings of mild happiness to euphoria. 43 The most important is a reduction in the number of dopamine receptors.

44 Having fewer dopamine receptors means that less passing dopamine gets caught, so the pleasure circuit calms down. With fewer dopamine receptors, a hit that used to produce pleasure no longer does. In order to achieve a high that equals the original, the addict must increase the dose.

Researchers recently identified "hot spots" or regions of chromosomes linked to a risk for addiction. Now they are zeroing in on the actual genes. 45

- (A) 42 (A) Current thinking points to genetics as the single strongest risk factor  
(B) Addictions have been shown to be anywhere from 67 percent to 80 percent hereditary.  
(C) They hope these genes will be targets for designer drugs that one day will strike at addiction with precision.  
(D) But chronic use of these addictive drugs produces enduring changes in the brain.
- (C) 43 (A) The dopamine system also can be turned on by novelty.  
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(B) They hope these genes will be targets for designer drugs that one day will strike at addiction with precision.  
(C) Addictions have been shown to be anywhere from 67 percent to 80 percent hereditary.  
(D) The dopamine system also can be turned on by novelty.

When Ethan Zuckerman went to Ghana in 1993 as a Fulbright scholar, he immediately tried to get online, he was a Usenet junkie and eager to e-mail his girlfriend (now his wife). But in bustling Accra, he found only one temperamental net connection. Subsequently, Zuckerman, who is now twenty-eight, became vice president of a famous dot-com company and was soon a millionaire, but he never forgot Ghana's inadequate communications. In July 1999, he left the dot-com company and in February 2000 co-founded Geekcorps in North Adams, Mass. Geekcorps sends volunteers with information technology expertise to developing countries for four-month stints, where they help business—from furniture factories to radio stations—get online, expand sales, and thus create jobs. One volunteer even helped launch the Ghanaian parliament's web sites. Funded by foundations, aid agencies, and private donors, Geekcorps has sent thirty-five tutors to Ghana and several other countries. And there is no shortage of volunteers: more than 1,100 people are on Geekcorps's waiting list.

- (C) 46. What did Ethan Zuckerman experience in Accra in 1993?  
(A) He met a girl there, who later became his wife.  
(B) He went on the Internet and found a lot of junks.  
(C) He found the net connection not very reliable.  
(D) He helped launch the Ghanaian parliament's web sites.
- (B) 47. According to the passage, what was he when Ethan Zuckerman became a millionaire?  
(A) He was a Fulbright scholar in Ghana.  
(B) He was vice president of a dot-com company.  
(C) He was president of Geedcorps in America.  
(D) He was an information technology volunteer.
- (A) 48. Which of the following statements about Geekcorps is NOT true?  
(A) Geekcorps cannot recruit enough people to do volunteer work.  
(B) Geekcorps volunteers are all specialists in information technology.  
(C) Geekcorps has various financial sources for its volunteer programs.  
(D) Ghana is not the only country Geekcorps volunteers visit.
- (B) 49. What is this passage mainly about?  
(A) It is about how Ethan Zuckerman first served as a volunteer and became rich later.  
(B) It is about how Ethan Zuckerman became rich and still helped with charity work.  
(C) It is about how Ethan Zuckerman founded a dot-com company to help Ghana.  
(D) It is about how Ethan Zuckerman found pleasure in helping developing countries.
- (B) 50. Which of the following can best replace the word "stints" in the passage?  
(A) Pays                      (B) Periods                      (C) Studies                      (D) Trips