

97 年公務人員特種考試警察人員考試及
97 年公務人員特種考試關務人員考試 試題

等 別：四等考試

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）

考試時間：1 小時

座號：_____

※注意：(一)本試題為單一選擇題，請選出一個正確或最適當的答案，複選作答者，該題不予計分。

(二)本科目共 50 題，每題 2 分，須用 2B 鉛筆在試卡上依題號清楚劃記，於本試題上作答者，不予計分。

(三)禁止使用電子計算器。

- 1 司法院釋字第 499 號解釋，認中華民國八十八年九月四日國民大會通過憲法增修條文自行延長任期，與自由民主憲政秩序不合，其具體理由，不包括下列何者？
(A)違反國民主權原理 (B)違反與選民之約定 (C)違反利益迴避原則 (D)違反法律保留原則
- 2 依司法院大法官解釋，國家刑罰權之實現，對於特定事項以特別刑法規定特別之罪刑所為之規範，須符合目的正當性、手段必要性、限制妥當性，始可謂達到憲法第 23 條所要求之何種原則？
(A)比例原則 (B)明確性原則 (C)法律保留原則 (D)法律優位原則
- 3 外國人可否於我國任公務員，此牽涉外國人是否享有下述何種基本權的問題？
(A)自由權 (B)服公職權 (C)財產權 (D)生存權
- 4 依憲法增修條文之規定，行政機關有無決定機關員額之權限？
(A)沒有，必須由立法院以法律定之
(B)沒有，必須由行政院統一決定之
(C)有，完全由各機關視需要自行決定之
(D)有，但需依據準則性法律之規定，再基於政策或業務需要決定之
- 5 下列何者為立法院審查預算時，應遵守的憲法規定或限制？
(A)對於行政院所提預算案，不得為增加支出之提議
(B)對於司法院所提司法概算，不得刪減
(C)對於各機關所編列預算之數額，可以在款項目節間移動增減
(D)預算案的審議方式與一般法律案完全相同
- 6 刑事被告享有詰問證人之權利，是屬於憲法上何種基本人權的保障？
(A)訴願權 (B)審問權 (C)訴訟權 (D)參政權
- 7 保障個人基於內心自由思想與良心的各種精神性活動，可自由向外表達的權利為何？
(A)遷徙自由 (B)表現自由 (C)工作權 (D)居住自由
- 8 依憲法第 8 條之規定，人民因犯罪嫌疑被逮捕或拘禁時，逮捕拘禁機關應將逮捕拘禁原因，以何種方式告知本人及其指定之親友？
(A)口頭 (B)電話 (C)書面 (D)當面
- 9 居住及遷徙自由，其內容不包括下列何種權利？
(A)人民自由設定住居所 (B)人民自由旅行 (C)人民自由入出境 (D)人民自由脫離國籍
- 10 下列何者非憲法保障工作權之本質？
(A)要求國家制定保障尊嚴生活的勞動基準條件 (B)否認勞動關係中之契約自由原理
(C)要求國家建構失業生活保障之相關制度 (D)要求國家創造就業機會
- 11 依憲法增修條文規定，總統行使解散立法院之權的前提條件為：
(A)立法院通過對行政院院長之不信任案後十日內，並經諮詢立法院院長
(B)立法院通過對行政院院長之不信任案後十日內，並經諮詢行政院院長
(C)立法院對於行政院提出之覆議案，決議維持原案後十日內，並經諮詢行政院院長
(D)立法院對於行政院提出之覆議案，決議維持原案後十日內，並經諮詢立法院院長

- 12 舊槍砲彈藥刀械管制條例第 19 條第 1 項關於「一律強制工作三年」的規定，其所採措施與所欲達成預防矯治之目的及所需程度，不合憲法的何種要求？
(A)法律保留原則 (B)比例原則 (C)罪刑法定原則 (D)一事不二罰原則
- 13 昔日違警罰法關於拘留、罰役處分之規定所以被司法院大法官解釋為違憲，其中最重要之理由，係以人身自由之限制應以下列何機關為限？
(A)警察機關 (B)檢察官 (C)法院 (D)國家安全局
- 14 憲法本文明定人民之義務，不包含下列何項？
(A)納稅 (B)投票 (C)服兵役 (D)受國民教育
- 15 依據司法院釋字第 479 號解釋，團體名稱之選定，屬於何種基本權利之保障範圍？
(A)言論自由 (B)人身自由 (C)結社自由 (D)集會自由
- 16 依據性別工作平等法的規定，受僱者之生理假請假日數如何計算？
(A)併入事假計算 (B)併入病假計算 (C)併入例假計算 (D)併入特別休假計算
- 17 下列何者不屬於一般所稱法律漏洞之補充方法？
(A)論理解釋 (B)類推適用 (C)目的限縮 (D)法律續造
- 18 依勞工保險條例原則上，兼職之勞工：
(A)不必加入勞工保險 (B)應加入勞工保險
(C)由勞工自行決定是否加入 (D)視其收入多寡而決定應否加入
- 19 有關勞動基準法所定之特別休假，下列敘述何者錯誤？
(A)依勞工年資多寡而區別不同休假日數
(B)特別休假性質上為保護勞工之身體健康，性質上亦屬勞工之義務
(C)特別休假屬勞工之權利，雇主雖不得拒絕，但仍可要求勞工考量企業正當需求而調整
(D)勞工經雇主解僱而尚未行使當年度之特別休假權利者，得一併請求特別休假工資給付
- 20 中華民國憲法係屬：
(A)欽定憲法 (B)不成文憲法 (C)剛性憲法 (D)柔性憲法
- 21 以下何種法律業經廢除：
(A)貪污治罪條例 (B)懲治盜匪條例 (C)殘害人羣治罪條例 (D)懲治走私條例
- 22 下列何者非法律之名稱？
(A)律 (B)條例 (C)通則 (D)標準
- 23 下列何者非法規命令的名稱？
(A)要點 (B)辦法 (C)綱要 (D)細則
- 24 公務員懲戒委員會隸屬於下列何機關？
(A)監察院 (B)行政院 (C)司法院 (D)考試院
- 25 下列何者並非不動產？
(A)辦公大樓 (B)農舍
(C)土地 (D)為供表演臨時搭建的舞台
- 26 監護人與受監護人，於監護關係存續中，所締結之婚姻，其效力如何？
(A)無效 (B)得撤銷 (C)效力未定 (D)不成立
- 27 父母親懲罰小孩的行為，如未過當，屬於下列何者？
(A)因為是依法令的行為而不罰 (B)因為是自助行為而不罰
(C)因為是得承諾的行為而不罰 (D)因為是正當防衛而不罰
- 28 下列何者不是刑事制裁？
(A)罰鍰 (B)有期徒刑 (C)拘役 (D)沒收

- 29 下列何者非屬定型化契約條款？
(A)停車場收費牌告 (B)個別磋商條款
(C)電影院以字幕放映之規定 (D)公車儲值卡片上之約款
- 30 消費者第一次申訴，企業經營者未能妥善處理時，可向下列何者提出第二次申訴？
(A)縣（市）政府消費者服務中心 (B)消費者保護官
(C)行政院 (D)法官
- 31 The Chinese basketball team lost its first game and was _____ from the tournament.
(A) promoted (B) pronounced (C) stressed (D) eliminated
- 32 They _____ an old barn into a comfortable little house.
(A) converted (B) complicated (C) contradicted (D) confused
- 33 Helen is a tomboy, but the pink fancy dress she wore at the party made her look very _____.
(A) shabby (B) masculine (C) feminine (D) fastidious
- 34 Helen is a _____. She does not eat meat for health reasons.
(A) vegetarian (B) butcher (C) monk (D) biologist
- 35 Helen is a rookie in this field, but the personnel manager thinks her intelligence can _____ for her lack of experience. That is why she is employed.
(A) economize (B) extend (C) generate (D) compensate
- 36 Due to the high-calorie diet and long hours of office work, many people tend to _____ in fitness classes after work.
(A) devote (B) depart (C) discard (D) enroll
- 37 _____, he was elected leader of the class. Nobody had expected this outcome.
(A) Surprising everyone (B) To everyone's surprise
(C) What surprised everyone (D) Everyone was surprised
- 38 Good listeners tend to be tolerant _____ critical. They are more willing to accept different opinions.
(A) instead (B) instead of (C) rather (D) rather than

What will you say to someone who just sneezed? Do you know what it means to say “I’ll keep my fingers crossed for you”? Why is Friday the 13th _____ 39 _____ bad luck? Why do people avoid walking under a ladder? And _____ 40 _____ you happen to break a mirror? These beliefs and customs are usually called superstitions—beliefs which are not based on reason or scientific knowledge _____ 41 _____ magic and tradition. Yet they actually have some basis in history and religion, and can tell us much about Western culture. People believe in superstition partly because they wish to have good luck, and others take it as insurance _____ 42 _____ misfortune. If you have some basic understanding about these superstitious ideas, you will not wonder why people say “touch wood” when they mention their future plans.

- 39 (A) associated with (B) combined with (C) attributed to (D) referred to
40 (A) why (B) what if (C) how about (D) when
41 (A) if (B) without (C) of (D) but
42 (A) about (B) against (C) for (D) with

The story of Thanksgiving is basically the story of the Pilgrims and their thankful feast at Plymouth, Massachusetts.

The Pilgrims came to the “New World” in 1620 on a ship called the Mayflower for religious freedom. The 102 passengers 43 the 66 days of a lethal voyage, and finally settled at a place called Plymouth. Plymouth offered plenty of resources, but the Pilgrims were 44 ill-equipped to face the winter in this estranged place; as a result, many settlers died. Luckily, the 45 ones were saved when local Native Americans came to help them cultivate crops. They 46 went through the next year unharmed, but had enough food to put away for the winter. However, a severe drought happened in the third year 47 the corns got damaged. The Pilgrim Governor thus ordered a day of fasting and prayer, and rain followed soon. November 29th of that year was therefore proclaimed a day of thanksgiving.

43 (A) survived (B) influenced (C) frightened (D) decorated

44 (A) hardly (B) too (C) such (D) though

45 (A) remaining (B) rest (C) extra (D) final

46 (A) once (B) whether (C) even (D) not only

47 (A) whose (B) which (C) why (D) when

48 Wendy: Are you sure we don't need to help your Mom out in the kitchen?

Shirley: No. She always says, “ _____ ” Once my brother and I helped bake a cake and we burned it. After that, my mom never let me in the kitchen.

(A) A bird in the hand is worth two in the bush. (B) Too many cooks spoil the broth.

(C) It's hard to teach old dogs new tricks. (D) Better late than never.

49 Jamie: I heard you're moving to New York.

York: Yes. I've got an offer in upstate New York.

Jamie: Oh, that's great! _____

York: Me, too. Let's keep in touch.

(A) Could I join you? (B) I will keep you informed.

(C) I am very glad to hear that. (D) But I am going to miss you.

50 Husband: Honey, it is said that jogging is not good for your health.

Wife: _____

Husband: It's bad for your ankles and knees.

(A) Heads or tails? (B) How so? (C) No wonder. (D) No offense.