# 《法學知識與英文》

- (C)1 依現行制度,地方自治法規牴觸憲法者無效,關於有無牴觸發生疑義時,應如何處理?
  - (A)由中央主管機關審查並撤銷之 (B)提起行政訴訟並由法院進行審查
  - (C)聲請司法院就爭議事項作出解釋 (D)由立法院決議解決之
- (C) 2 法律條文之解釋,若有多種可能,只要其中有一種結論能避免宣告該法律違憲時,便應選擇該解釋, 而不採納其他可能導致法律違憲之解釋。此種解釋方法稱為:
  - (A)文義解釋 (B)主觀解釋 (C)合憲解釋 (D)歷史解釋
- (B)3 關於司法院大法官之職權,下列敘述何者錯誤?
  - (A)解釋憲法 (B)提出憲法修正案
  - (C)審理政黨違憲解散事項 (D)國家機關間憲法權限爭議之解決
- (C) 4 依憲法及增修條文規定,下列關於行政與立法關係之敘述,何者錯誤?
  - (A)行政院有向立法院提出施政報告之責
  - (B)行政院對於立法院決議的預算案與條約案,得經總統核可後移請立法院覆議
  - (C)立法院通過之預算案,若無涉法定經費,行政院得依政策需求停止執行
  - (D)立法院通過對行政院院長之不信任案後,行政院院長得呈請總統解散立法院
- (D)5 依據司法院大法官解釋之意旨,下列何項規定,違反現行憲法賴以存立之自由民主憲政秩序?
  - (A)立法委員選舉採單一選區兩票制之並立制
  - (B)全國不分區及僑居國外國民立法委員席次,以政黨比例代表制選出
  - (C)獲得政黨選舉票百分之五以上之政黨,始得分配全國不分區及僑居國外國民立法委員席次之規定
  - (D)無憲政上不能依法改選之正當理由,逕行延長立法委員任期
- (D) 6 關於立法院職權之敘述,下列何者錯誤?
  - (A)立法院對於總統所提名之司法院大法官有同意權
  - (B)為有效行使憲法所賦予之立法職權,本其固有之權能,立法院自得享有一定之調查權
  - (C)總統於立法院解散後發布緊急命令,立法院應於3日內自行集會,並於開議7日內追認之
  - (D)總統、副總統均缺位時,由行政院院長代行其職權,行政院院長應於3個月內提名候選人,由立法院補選,繼任至原任期屆滿為止
- (C)7 依憲法增修條文規定,下列關於緊急命令之敘述,何者正確?
  - (A)總統有發布緊急命令之權,但以立法院休會期間為限
  - (B)緊急命令發動之要件,以國家遇有天然災害、癘疫,或國家財政經濟上有重大變故,須急速處分者 為限
  - (C)總統發布緊急命令,須經行政院會議決議,並送立法院事後追認
  - (D)緊急命令經立法院追認後,於生效期間總統仍得解散立法院
- (D) 8 下列何者不屬於傳統特別權力關係之適用範圍?
  - (A)國家與公務員之關係 (B)公立學校與學生之關係
  - (C) 監獄與受刑人之關係 (D) 公營事業與其勞工之關係
- (D)9 人民有依法律納稅之義務,而應以法律明定之租稅構成要件,不包括下列何者?
  - (A)稅基 (B)稅率 (C)納稅主體 (D)納稅地點
- (D) 10 下列何者並非憲法及增修條文對於婦女之特別保護?
  - (A)保障婦女之參政權 (B)對婦女從事勞動者之特別保護
  - (C)消除性別歧視,促進兩性地位之平等 (D)保障婦女之生育自主權
- (A) 11 年滿20歲的公民皆有選舉權,此為下列何種原則之體現?
  - (A)普通選舉 (B)平等選舉 (C)直接選舉 (D)秘密選舉
- (C) 12 依司法院大法官解釋,下列關於言論自由之敘述,何者錯誤?
  - (A) 猥褻資訊亦受言論自由保障 (B) 法律要求特定商品應標示警語,為對於言論自由之限制
  - (C)與事實不符之言論不受言論自由保障 (D)化妝品廣告之事前審查原則上應屬違憲
- (B) 13 依司法院大法官解釋,關於人身自由之敘述,下列何者錯誤?

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- (A)憲法第8條第1項所稱「法定程序」,須以法律規定,其內容更須實質正當
- (B)凡限制人民身體自由之處置,不問其是否屬於刑事被告之身分,皆應踐行相同之法定程序
- (C)行政執行法之管收處分,係於一定期間內拘束人民身體自由於一定之處所,屬拘禁之類型之一
- (D)人身自由之保障亦應及於外國人,使其與本國人同受保障
- (C) 14 下列關於基本國策的敘述,何者正確?
  - (A)基本國策皆為具體的社會權,可以作為人民對國家給付請求權的基礎
  - (B)基本國策所揭示的各種國家目標,都是憲法所承認的制度性保障
  - (C)基本國策中的憲法委託條款,若立法者不積極履行,會構成立法怠惰
  - (D)基本國策中的國家目標條款,都是單純政策目標的宣示,對立法者不具有拘束力
- (C) 15 關於我國憲法總綱規定,下列敘述何者錯誤?
  - (A)明文規定我國為民主共和國 (B)明文規定主權屬於國民全體
  - (C)明文規定我國採單一國籍制 (D)明文規定我國國旗之樣式
- (A) 16 甲男平日皆著褲裝上班,後因醫師建議其表現自我而開始著裙裝上班,同事對於甲男的改變開始竊竊私語,甲向主管乙反映此事,但並未獲得相關協助,反而將甲調職,雖然新工作甲亦可勝任,但仍悶悶不樂,請求調回原職,關於上述案例,下列敘述何者正確?
  - (A) 乙不得因甲之性傾向而有不利益對待 (B) 甲著裙裝已違背公序良俗
  - (C)乙之調職決定和甲之性傾向無關 (D)甲穿裙裝造成他人困擾
- (C) 17 有關我國中央層級立法之敘述,下列何者錯誤?
  - (A)立法院為我國最高之立法機關
  - (B)依據憲法規定人民得依法行使創制、複決權,創制、複決中央法律
  - (C)由於我國採取中央集權制,至今尚未承認地方自治議會立法權
  - (D)依據憲法規定,中央之立法除經立法院三讀通過外,尚須經總統公布始得生效
- (A) 18 下列何者為地方制度法所稱之自治團體?
  - (A)鄉、鎮、市 (B)農田水利會 (C)行政法人 (D)大學法人
- (D) 19 甲公務人員某日收受A市政府的處分函,主旨為:「臺端因溢領薪資,限7日內繳回溢領之金額,逾期將送行政執行。」此外並無任何說明。則該處分違反下列那一項原則?
  - (A)不利變更禁止之原則 (B)必要衡量原則 (C)比例原則 (D)明確性原則
- (C) 20 司法院釋字第535號解釋指出:「……臨檢自屬警察執行勤務方式之一種。臨檢實施之手段:檢查、路檢、取締或盤查等不問其名稱為何,均屬對人或物之查驗、干預,影響人民行動自由、財產權及隱私權等甚鉅,應恪遵法治國家警察執勤之原則。實施臨檢之要件、程序及對違法臨檢行為之救濟,均應有法律之明確規範,方符憲法保障人民自由權利之意旨。……」這段話與下列那一原則較無關聯?
  - (A)法律保留原則 (B)正當程序原則 (C)信賴保護原則 (D)法明確性原則
- (C) 21 關於社團法人的事項,依民法規定,下列何者須經過總會特別決議?
  - (A)開除社員 (B)任免監察人 (C)變更章程 (D)任免董事
- (A) 22 甲經營汽車維修保養廠與T通運公司間有多年的汽車維修保養(營業)關係。數週前,T送修X、Y二車,其中Y車的數萬元維修材料費全未獲清償。當T要取回X、Y二車時,甲得主張何種權利?
  - (A)得主張就X、Y二車有留置權 (B)僅得主張就Y車有留置權
  - (C)得主張就X、Y二車均有抵押權 (D)得主張就X、Y二車有質權
- (C) 23 A透過網路向B訂購飛機模型一盒(種類之債),並約定送至便利超商,貨到付款。但B卻逾期遲遲未 發貨,終於在超出約定期限後發貨至便利超商。詎當夜因便利超商大火,飛機模型燒毀。下列敘述 何者正確?
  - (A)因不可歸責B而致給付不能,故A須給付價金
  - (B)因貨品尚未特定,無給付不能之情況,故A無須給付價金
  - (C)因B須對不可抗力事件負責,故B須對A負賠償責任
  - (D)B須再給付一次飛機模型
- (C) 24 下列有關被繼承人所負債務之敘述,何者錯誤?
  - (A)遺產分割前,繼承人以因繼承所得遺產為限,對外負連帶清償責任
  - (B) 遺產分割後經過5年,繼承人之連帶清償責任可免除

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(C) 遺產分割前,繼承人應平均清償被繼承人之債務 (D)遺產分割後,若經債權人同意,各繼承人免除連帶責任 (D) 25 甲、乙於民國100年結婚,未約定夫妻財產制。結婚前乙有乳牛100頭。婚後甲、乙工作收入豐厚。 下述何者於夫妻財產制關係消滅時,應納入財產分配範疇? (A)甲離婚前3年贈與某博物館價值6,000萬元的古董,未料其後甲因經商失敗而離婚 (B)甲於婚後因車禍取得加害者所提供20萬元精神上損害賠償 (C)乙於婚後受祖母以遺囑遺贈100萬元 (D)甲、乙婚後,乙之100頭乳牛所生10隻小牛 (B) 26 關於民法之消滅時效制度,下列敘述何者錯誤? (A)經確定判決所確定的請求權,其原有時效期間短於5年者,重行起算的期間為5年 (B)時效期間得以法律行為加長或減短 (C)僅適用於請求權 (D)消滅時效完成,義務人取得拒絕給付的抗辯權 (B) 27 關於刑法第12條所規定之「行為非出於故意或過失者,不罰。過失行為之處罰,以有特別規定者,為 限。」下列敘述,何者錯誤? (A)刑法以處罰故意犯為原則 (B)刑法不處罰過失行為 (C)故意犯罪行為應處罰 (D)過失行為有規定才罰 (D) 28 某甲因犯強制性交罪遭判有期徒刑二年而入監服刑,後來獲得假釋,卻在假釋期間因涉嫌強制猥褻 罪遭地檢署起訴,並為法院裁定羈押,拘禁於看守所。強制猥褻罪的法定刑是六個月以上,五年以 下有期徒刑。就本案與前案,下列敘述何者正確? (A)在羈押期間,法院應依檢察官之聲請,撤銷甲的假釋 (B)如果甲就本案被判二年以下有期徒刑,則法院得同時宣告緩刑 (C)如果甲因本案被判有期徒刑確定,則在本案執行期間,甲不能聲請假釋 (D)如果甲就本案被判無罪,則因本案所受羈押的日數,應該計入前案假釋期間 (A) 29 下列有關性別歧視之禁止,何者錯誤? (A)雇主對求職者或受僱者之招募、甄試、進用等,不得因性別而有差別待遇,即使該工作性質僅適 合特定性別者亦同 (B)雇主為受僱者舉辦教育、訓練或其他類似活動,不得因性別而有差別待遇 (C)雇主為受僱者提供各項福利措施,不得因性傾向而有差別待遇 (D)雇主對受僱者之退休、資遣、離職、解僱,不得因性別而有差別待遇 (D) 30 依全民健康保險法第10條之規定,被保險人總共分為幾類? (A)3類 (B)4類 (C)5類 (D)6類 (C) 31 The old town district of Delhi is \_\_\_\_\_ with historical buildings and temples. (A)full (B)equipped (C)abundant (D)exposed (D) 32 The police found the fugitive \_\_\_\_\_ unconscious in an alley in the middle of the night. (A)laying (B)luring (C)locking (D)lying (C) 33 The city government has planned to \_\_\_\_\_ the bus service to people in rural areas. (A)expire (B)expand (C)extend (D)exclude (A) 34 Buttigieg served for six years as an officer in the Navy Reserves to collect information in Afghanistan. (A)intelligence (B)industrial (C)intellectual (D)integrity (A) 35 The secretary sent the attendees the seven days in advance to remind them of what to discuss at the meeting. (A)agenda (B)novice (C)scandal (D)venture (B) 36 It took Dennis lots of \_\_\_\_\_ and hard work to learn to draw with his toes after losing both arms. (A)coincidence (B)perseverance (C)supplement (D)transmission (C) 37 Tim has doubts about what he cannot see. He is \_\_\_\_\_ about the existence of spirits and souls.

(A)admission (B)awareness (C)recollection (D)recognition

(A)credulous (B)persuasive (C)skeptical (D)physical

scanning their faces.

(D) 38 Facial \_\_\_\_\_ check-in programs have been installed in hotels and airports to quickly identify people by

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(B) 3	B) 39 If your parents ignore unusual pain or illness, try to them to see a doctor.				
	(A)perceive	(B)persuade	(C)promote	(D)provide	
(B) 4	0 The cathedra	al tower offers a	a spectacular _	of the whole town. It is definitely worth going up all the 375	
	steps!				
	(A)review	(B)panorama	(C)memorial	(D)architecture	

### 請依下文回答第41題至第45題:

Touch is the earliest sense to mature. It manifests itself in the final embryonic stage and comes into its own long before eyes, ears, and the higher brain centers begin to work. Soon 41 birth, infants begin to employ their other senses to interpret reality. During the same period, they are highly 42 touch. They are being nuzzled, cuddled, cleaned, patted, kissed, and in many cases breastfed. So important is touch to human communication 43 researchers now know that people who are denied caregivers' touch can develop serious biological and emotional problems. As you move from infancy into childhood, you learn the rules of touching. You are taught whom to touch and where they may be touched. By the time you reach 44 , your culture has taught you how to communicate with touch. You use touch out of social politeness, 45 sex, consolation, support, and control. In the U.S., people learn to shake hands with nearly everyone, hug certain people, and be intimate with still other people.

- (B) 41 (A) for (B) after (C) before (D) until
- (D) 42 (A)invested in (B)informed of (C)deprived of (D)involved in
- (A) 43 (A)that (B)which (C)what (D)who
- (D) 44 (A)confidence (B)residence (C)innocence (D)adolescence
- (D) 45 (A)to (B)in (C)on (D)for

### 請依下文回答第46題至第50題:

There are around 380 underwater cables in operation around the world, **spanning** a length of over 1.2 million kilometers (745,645 miles). In 2012, Hurricane Sandy slammed into the U.S. East Coast, knocking out several key exchanges where undersea cables linked North America and Europe. The entire network between North America and Europe was isolated for a number of hours. For us, the storm brought to light a potential challenge in the consolidation of transatlantic cables that all landed in New York and New Jersey. But most often when a cable goes down, nature is not to blame. There are about 200 such failures each year and the vast majority are caused by humans. "Two-thirds of cable failures are caused by accidental human activities, fishing nets and trawling and also ships' anchors," said an expert. "The next largest category is natural disaster, mother nature -- sometimes earthquakes but also underwater landslides." A magnitude-7.0 earthquake off the southwest coast of Taiwan in 2006, along with aftershocks, cut eight submarine cables which caused internet outages and disruption in Taiwan, Hong Kong, China, Japan, Korea and the Philippines.

- (A) 46 Which of the following could be the best title for this passage?
  - (A)How Vulnerable Undersea Cables Are.
  - (B)How Humans Can't Live Without Undersea Cables.
  - (C)How Undersea Cables Were Laid.
  - (D)How Undersea Cables Connects the World.
- (D) 47 According to the passage, which of the following events have caused most of the cable failures?
  - (A)Earthquakes. (B)Storms. (C)Sea waves. (D)Human activities.
- (B) 48 Which of the following has the closest meaning with the word "spanning" in the passage?
  - (A)Linking. (B)Stretching. (C)Estimating. (D)Affecting.
- (D) 49 Which of the following is NOT a possible cause for the network failure?
  - (A)Earthquake. (B)Underwater landslides. (C)Ships' anchors. (D)Snowstorm.
- (D) 50 According to the passage, which of the following statements is TRUE?
  - (A)In 2012, Hurricane Sandy caused Taiwan to go through power failure for several days.
  - (B)Only a large earthquake could have possibly caused the cable failures.
  - (C)In 2006, a mild earthquake cut off cable connection between Taiwan and other nearby countries.
  - (D)A couple hundreds of cable failures happen each year due to various reasons.