《法學知識與英文(包括中華民國 憲法、法學緒論、英文)》

- (A)1 直轄市市長停職者,由副市長代理,副市長出缺或不能代理者,由何人代理?
 - (A)由行政院派員代理 (B)由市議會議長代理
 - (C)由市政府秘書長代理 (D)由內政部派員代理
- (A)2 依地方制度法之規定,下列何者爲公法人?
 - (A)縣 (B)縣政府 (C)區 (D)區公所
- (D)3 依我國現行憲法及憲法增修條文之規定,以下何者不是司法院大法官之職權?
 - (A)解釋憲法 (B)審理政黨違憲之解散案
 - (C)審理總統、副總統彈劾案 (D)審理公務員懲戒案件
- (A) 4 下列何者曾被司法院大法官解釋宣告違憲?
 - (A)行政執行法上之拘提管收要件 (B)公務員懲戒未設通常上訴救濟制度
 - (C)公務員離職後職業選擇之限制 (D)通姦罪
- (D) 5 關於立法院議案審議程序中「第二讀會」的進行,下列敘述何者錯誤?
 - (A)第二讀會時,應朗讀議案,依次或逐條提付討論
 - (B)第二讀會時,可就審查意見或原案要旨,先作廣泛討論
 - (C)第二讀會是於討論各委員會審查之議案時進行
 - (D)議案於完成二讀之後,原提案者可以經院會同意後撤回原提案
- (A)6 依據憲法第 58 條及行政院組織法之規定,下列何者非行政院會議之組織成員,僅依規定應列席行政院會議?
 - (A)行政院秘書長 (B)內政部部長 (C)僑務委員會委員長 (D)不管部會之政務委員
- (B)7 我國總統不享有下列那一權限?
 - (A)締結條約 (B)主動解散立法院 (C)宣布戒嚴 (D)發布緊急命令
- (B)8 依現行法之規定,下列那一種公職人員之選舉,候選人當選與否,並不取決於該候選人得票數之多寡,而是原則上取決於該候選人所屬政黨得票數之多寡?
 - (A)總統、副總統 (B)僑居國外國民立法委員
 - (C)原住民立法委員 (D)原住民直轄市議員
- (D)9 依公民投票法之規定,全國性公民投票案成立後,係由下列何機關負責投票之進行?
 - (A)行政院 (B)全國性公民投票審議委員會
 - (C) 監察院 (D) 中央選舉委員會
- (D) 10 如某社區之社區公約,約定區分所有權人不得於其住宅內設置各種中途之家,違者將由社區管理委員會訴請遷離。甲爲該社區之住戶,於其所有之獨棟住宅內設置「未婚媽媽中途之家」,爲社區管理委員會知悉,社區管理委員會即向法院起訴請求甲應遷離社區。請問法院於審理本案時,審酌雙方當事人之基本權保障時,應運用下列那一種理論?
 - (A)國民主權及參政權之理論 (B)基本權對國庫行爲之效力
 - (C)私法自治及契約自由原則 (D)基本權之第三人效力理論
- (B)11 房屋所有權人應提供私有騎樓供公眾通行,得不另發給補償金。關於其法理,下列敘述何者正確?
 - (A)未喪失所有權而無須補償 (B)人民之財產權負有未逾比例原則之社會義務
 - (C)缺乏相關補償之法令依據 (D)基於財政考量而無須補償

- (C) 12 下列何者不屬於訴訟權保障之核心領域?
 - (A)受公平審判之權利 (B)受及時審判之權利
 - (C)受三級三審之審級制度保障權利 (D)聽審請求權
- (D) 13 依司法院大法官解釋,下列何者與憲法第7 條所保障之平等權有違?
 - (A)民國89 年修正公布之臺灣地區與大陸地區人民關係條例中,規定大陸地區人民經許可 進入臺灣地區者,非在臺灣地區設有戶籍滿10 年,不得擔任公務人員
 - (B)中央警察大學91 學年度研究所碩士班入學考試招生簡章規定,以有無色盲作爲能否取 得入學資格之條件
 - (C)民國93 年修正公布之遺產及贈與稅法中,僅規定配偶間之贈與, 免徵贈與稅;但對於 尚無法律上婚姻關係之異性伴侶間之贈與,無免徵贈與稅之規定
 - (D)民國80 年制定公布之社會秩序維護法中,在性交易過程中,對支付對價之相對人未有處罰規定,而僅處罰意圖得利之一方
- (C) 14 下列何項基本權不在司法院大法官解釋具有制度性保障性質之列?
 - (A)財產權 (B)婚姻與家庭 (C)宗教自由 (D)學術自由
- (B) 15 A 於僱用B 時,要求B 切結,如有懷孕即離職。B 以其違反性別工作平等法,向主管機關 檢舉,要求主管機關對A 處罰鍰。本例最可能涉及何種基本權功能?
 - (A)防禦權功能 (B)基本權之保護義務功能
 - (C)基本權之信賴保護功能 (D)程序保障功能
- (D) 16 A 和B 為夫妻,育有一子C 四歲。B 因吸食安非他命上癮,精神狀態不穩定,動輒對於C 施暴。某日,B 將C 打得皮開內綻,住進加護病房,A 經朋友提醒才知道可以依據家庭暴力防治法請求法院對於B 核發民事保護令。請問A 得依照家庭暴力防治法為C 聲請什麼內容的保護令?①禁止B 對於C 實施家庭暴力②命B 遷出三人之住居所 ③命B 遠離C 之幼兒園 ④定暫時對未成年子女權利義務之行使或負擔,僅由A 來行使
 - (A)僅① (B)僅①② (C)僅①②③ (D)①②③④
- (C) 17 勞工漕遇職業傷害或罹患職業病而死亡時,其潰屬受領死亡補償之正確順位爲何?
 - (A)①子女②配偶③父母④祖父母及孫子女⑤兄弟姐妹
 - (B)①配偶②子女③父母④祖父母及孫子女⑤兄弟姐妹
 - (C)①配偶及子女②父母③祖父母④孫子女⑤兄弟姐妹
 - (D)①配偶及子女②父母③孫子女④祖父母⑤兄弟姐妹
- (C) 18 A 有限公司之股東有甲、乙、丙共3 人,各分別出資30 萬元、10 萬元、10 萬元,甲爲公司董事。若章程規定,甲有3 表決權、乙有1 表決權、丙有1 表決權,則當公司擬再增資50 萬元時,應經下列何種方式決定之?
 - (A)由甲決定之 (B)須經全體股東同意之
 - (C)須經表決權過半數同意之 (D)須經2 人以上股東之同意
- (A) 19 A 股份有限公司股東甲,出具委託書委託他人代理出席股東會後,又以書面及電子方式行 使其表決權,在未撤銷其前述委託書、書面以及電子投票之情況下,本人於股東會當天又 親自出席股東會議。請問甲之表決權行使究應以何種方式為準?
 - (A)委託書 (B)書面方式 (C)電子方式 (D)親自出席
- (B) 20 甲與乙籌劃犯擄人勒贖案。甲持改造手槍,乙持小刀,共同將A 擄走並關在甲家中。後來 警方循線查到甲之住處,救出A,並當場在甲之住宅內搜到犯案用之手槍與小刀,以及安 非他命兩小包。試問本案例中,法官在判處甲、乙有罪時,下列那一種物品不得宣告沒 收?
 - (A)改造手槍 (B)甲之住宅 (C)犯案用小刀 (D)安非他命
- (B) 21 甲想殺 A, 見A 自對面走來, 便舉槍將A 擊斃, 事後才發現A 右手亦持槍藏在口袋中,

- 當時正打算扣下板機殺甲。甲的行為在刑法上稱為:
- (A) 誤想防衛 (B) 偶然防衛 (C) 違法性錯誤 (D) 反面之違法性錯誤
- (A) 22 下列關於法定代理人的敘述,何者正確?
 - (A)胎兒爲繼承人時,生母爲胎兒的法定代理人,處理遺產分割事宜
 - (B)父母爲未成年子女之法定代理人,可任意處分未成年子女之特有財產
 - (C)監護人爲未成年之受監護人的法定代理人,可替代父母行使一切親權
 - (D)夫妻在婚姻關係存續中,就夫妻財產所生之法律事項,互爲法定代理人
- (C) 23 甲受死亡宣告後,生存歸來,經法院撤銷死亡宣告,發現其妻乙已經與丙結婚,請問後婚之效力爲何?
 - (A)只要乙善意,後婚即有效 (B)只要丙善意,後婚即有效
 - (C)必須乙與丙均善意,後婚才有效 (D)縱使乙與丙均惡意,後婚仍然有效
- (C) 24 甲上班途中,向書報攤老闆乙購買報紙1 份,價金10 元。甲給乙10 元硬幣1 枚,乙給甲報紙1 份,請問總共至少有幾個法律行為?
 - (A) 1 (B) 2 (C) 3 (D) 4
- (A) 25 甲夫乙妻依法收養丙夫丁妻5 歲之子A, 3 年後甲、乙因空難雙亡, A 欲終止其與甲、乙 之收養關係者,應如何進行?
 - (A)應由A 向法院聲請,但應得丙、丁同意 (B)應由丙、丁代理A 向法院聲請
 - (C)應由丙、丁與甲或乙之家屬協議為之 (D)因甲、乙已死亡,故任何人均不得聲請
- (D) 26 機關辦理下列何項事務應適用行政程序法?
 - (A)內政部警政署與車商簽訂警用巡邏車購買契約
 - (B)臺北市政府國民住宅處與人民簽訂國民住宅租售契約
 - (C)臺北地方法院檢察署兩請市警局協助調查刑事犯罪事件
 - (D)教育部與公費生簽訂公費留學行政契約
- (C) 27 關於中央法規標準法之內容,以下何者錯誤?
 - (A)法律應經立法院通過,總統公布
 - (B)法規對某一事項規定適用或準用其他法規之規定者,其他法規修正後,適用或準用修正 後之法規
 - (C)各機關依其法定職權或基於法律授權訂定之命令,應視其性質分別下達或發布,並即送 監察院
 - (D)法律得定名爲法、律、條例或通則
- (A) 28 關於「法規不溯及既往」原則,下列敘述何者正確?
 - ①學說上又將之分爲「真正溯及」與「不真正溯及」兩種情形。前者係指將法規適用於該 法規生效前業已終結的事實,後者則係指將法規適用於過去發生,但現在仍存續尚未終 結之事實
 - ②「真正溯及既往」原則應允許;反之,「不真正溯及既往」原則應禁止
 - ③司法院釋字第577 號認為,菸害防制法規定之菸品標示義務及責任,僅適用於該法公布施行後之菸品標示事件,並未規定菸品業者於該法施行前亦有標示義務,故無法律溯及適用情形
 - ④新法規範之法律關係如跨越新、舊法施行時期,當特定法條之所有構成要件事實於新法 生效施行後始完全實現時,則無待法律另爲明文規定,原則上應適用法條構成要件與生 活事實合致時有效之新法
 - (A)僅①3(4) (B)僅②3 (C)僅①②4 (D)僅①3
- (B) 29 民國 100 年11 月30 日總統令公布的「兒童及少年福利與權益保障法」,其附則規定該法部分條文「自公布三年後施行」,請問這些條文從那一天開始生效?

- (A)民國103 年11 月29 日 (B)民國103 年11 月30 日
- (C)民國103 年12 月1 日 (D)民國103 年12 月2 日
- (B) 30 下列關於「法律與道德的關係」之敘述,何者錯誤?
 - (A)法律乃是道德的最小限度 (B)道德所不允許的,亦是法律之懲罰對象
 - (C)法律所不禁止的行為, 並非都是合乎道德的行為 (D)法律與道德密切相關
- (B) 31 The land is a storehouse of for all kinds of plants, and its reserve of nutrients is essential to any successful agriculture.
 - (A) facilities (B) fertility (C) nuance (D) pesticides
- (D) 32 The United States is with an energy, a can-do ambition and an entrepreneurial spirit that can only be described as distinctly American.
 - (A) invested (B) compatible (C) consistent (D) infused
- (C) 33 The movie was recommended for mature audiences only because there were many scenes of intense violence which would be too for children.
 - (A) authentic (B) contagious (C) disturbing (D) embarrassing
- (D) 34 The restaurant's advertisement was a bit . It said all of the drinks were free, but actually wines were not included.
 - (A) cautious (B) pretending (C) suspicious (D) misleading
- (A) 35 Smartphones seem to have a market since they are getting more and more popular around the world.
 - (A) burgeoning (B) languishing (C) perplexing (D) squandering
- (D) 36 The Colosseum in Rome and sites in the historic walled town of Urbino have suffered damage due to snow-fall.
 - (A) indispensable (B) minuscule (C) picturesque (D) unprecedented
- (B) 37 Basic like greeting people and saying please to show politeness are becoming less common among the youth.
 - (A) customs (B) courtesies (C) gestures (D) situations
- (A) 38 The first comprehensive system for nationwide was instituted by France for the Napoleonic wars that followed the French Revolution.
 - (A) conscription (B) description (C) inscription (D) prescription

請依下文回答第39 題至43 題:

A study at the University of New South Wales in Sydney found that around a quarter of people have a 39 sense of taste, making foods like broccoli taste bitter and rich foods 40. These "supertasters" tend to be slim and have a lower risk of heart disease. To determine if you are a supertaster, 41 a dot of blue food coloring on your tongue and look in the mirror. If you see a densely spotted area, there is a good chance you are a supertaster. If the spots are 42 distributed, you are not. The study also found 15 percent of people, 43 men, were "non-tasters"—they will devour anything put in front of them. They get the benefits of a broad diet, but risk overdoing it.

- (A) 39 (A) heightened (B) enlightened (C) fastened (D) lengthened
- (C) 40 (A) unperceptive (B) unpredictable (C) unpalatable (D) unparalleled
- (C) 41 (A) notice (B) delete (C) put (D) remove
- (B) 42 (A) succinctly (B) sparsely (C) diminutively (D) trivially
- (B) 43 (A) innocently (B) mostly (C) arrogantly (D) currently
- (D) 44 A study has shown that a messy environment could make people long for order and inspire them to hastily simplify and classify things in their minds, which could often lead to discrimination.

- (A) Eliminating discrimination can be done by living with a simple and neat mind.
- (B) Inspiring simplicity and order is the key to preventing discrimination from happening.
- (C) Discriminating against the people living in a messy environment could inspire them to improve.
- (D) Rushing to create order in a messy environment could sometimes lead to discrimination.
- (C) 45 Investors and the public are demanding increasingly detailed information on nonfinancial metrics that define sustainability.
 - (A) In terms of financial metrics, investors and the public are never satisfied with the sustainable business.
 - (B) Detailed information on monetary metrics plays a more important role for sustainable investors and the public.
 - (C) Other than financial reports, investors and the public are asking for more details about factors indicating sustainability.
 - (D) Investors and the public keep inquiring detailed information on nonfinancial metrics to sustain the validity of the contract.
- (A) 46 What great horror movies do is that they show us our fears and make them so beautiful that we can't take our eyes off the screen.
 - (A) Great horror movies catch our eyes by showing us our fears in an irresistibly beautiful way on the screen.
 - (B) Great horror movies force us to examine our fears through frightening but beautiful scenes on the screen.
 - (C) Great horror movies amaze us by showing us frightening scenes about our beauty on the screen.
 - (D) Great horror movies allow us to transform our fears in an irresistible way into beautiful scenes on the screen.

請依下文回答第47 題至第50 題:

In 1349 it resumed in Paris, spread to Picardy, Flanders, and the Low Countries, and from England to Scotland and Ireland as well as to Norway, where a ghost ship with a cargo of wool and a dead crew drifted offshore until it ran aground near Bergen. From there the plague passed into Sweden, Denmark, Prussia, Iceland, and as far as Greenland.

Leaving a strange pocket of immunity in Bohemia and Russia unattacked until 1351, it had passed from most of Europe by the mid-1350s. Although the mortality rate was erratic, ranging from one-fifth in some places to nine-tenths or almost total elimination in others, the overall estimate of modern demographers has settled—for the area extending from India to Iceland—around the same figure expressed in Froissart's casual words: "A third of the world dies." His estimate, the common one at the time, was not an inspired guess but a borrowing of St. John's figure for mortality from the plague in Revelation, the favorite guide to human affairs of the Middle Ages.

- (D) 47 What does the underlined "it" in the first line refer to?
 - (A) The ghost ship (B) The mortality (C) The immunity (D) The plague
- (C) 48 Which of the following countries was NOT affected by the disease at first?
 - (A) Denmark (B) France (C) Russia (D) United Kingdom
- (C) 49 According to the passage, which of the following statements is true?
 - (A) The number of deaths given by Froissart is not reliable.
 - (B) The disease described in the passage broke out first in 1349.
 - (C) The mortality rates of the affected countries differ greatly.
 - (D) An infected ship landing on Bergen started the spread of the disease in Norway.
- (A) 50 What is the sequence in which the plague reached the countries or cities?

- (A) Paris—Bergen—Iceland—Russia
- (B) Picardy—Iceland—Greenland—Flanders
- (C) The Low Countries—Prussia—England—India
- (D) Russia—Picardy—the Low Countries—Norway__





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