



## Memorandum

**To:** File of Joe Armstrong, #1614819  
**From:** Jill Bachus *JB*  
**Date:** October 7, 2016  
**Subject:** Felony Conviction

Representative Joe Armstrong was recently convicted of a federal felony. Since Representative Armstrong earned a public pension through TCRS for his General Assembly service, a review was conducted to determine if the pension benefit would be impacted. The following points were considered:

1. Applicable law.

Tennessee Code Annotated, Section 8-35-124(a)(2) states:

Notwithstanding any other law to the contrary, no employee or elected or appointed official of this state or any political subdivision thereof shall be entitled to receive retirement benefits from the Tennessee consolidated retirement system, any superseded retirement system or any other public pension system, if such employee or official is convicted in any state or federal court of a felony arising out of that person's employment or official capacity, constituting malfeasance in office.

Tennessee Code Annotated, Section 8-35-124(a)(3) states:

Notwithstanding any other law to the contrary, each time a person is elected to a public office of this state or any political subdivision of this state, such person shall, as a condition of such election, be deemed to consent and agree to the forfeiture of such person's retirement benefits from the Tennessee consolidated retirement system, any superseded retirement system or any other public pension system, if such person is convicted in any state or federal court of a felony arising out of that person's official capacity, constituting malfeasance in office. Notwithstanding the provisions of subsection (e) or any other law to the contrary, this subdivision (a)(3) shall apply regardless of the date the person became a member of the public pension system, such person having consented to the provisions of this subdivision (a)(3) as a condition of such election.

2. Representative Armstrong was re-elected to the General Assembly in 2014, thus Tennessee Code Annotated, Section 8-35-124(a)(3) is applicable.
3. The verdict form reflects Representative Armstrong was found guilty of a federal felony related to a violation of 26 U.S.C. § 7206(1) (false and fraudulent income tax return).
4. The conviction, as reflected on the verdict form, does not appear to meet the guidelines of the statute requiring the felony to arise out of Representative Armstrong's official capacity as a General Assembly member.

As a result of the aforementioned considerations, I determined Representative Armstrong's TCRS pension payments were not subject to forfeiture.